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Appendices

1998-2005 Housing Element

General Plan

City of Beverly Hills, California

APPENDICES

HOUSING ELEMENT

of the

GENERAL PLAN

City of Beverly Hills

1998-2005



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Housing Element
1998-2005

5. APPENDICES.

5.1. 1989-99 Housing Element. (Bound separately.)

5.2 Progress Toward Implementation of 1989-99 Housing Element.

5.3. Summary of Significant State Housing Legislation.

5.4. Summary of Federal, State and County Housing Assistance Programs.

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Appendix 5.2. Progress Toward Implementation of 1989-1999 Housing Element Goals.

Since the adoption of the 1989-99 Housing Element in 1995, many of the activities and study items have been achieved or initiated and some have been reconsidered or have not yet been initiated; they are summarized here by policy objective as they appear in the Housing Element. Many of the programs undertaken have been designed to meet as wide a variety of needs as possible. The Goals, Objectives and Programs section of the 1998-2005 updated Housing Element contains many proposals that represent a continuation of these efforts.

The quantified objectives for the period July 1, 1994 through June 30, 1999 included 100 units of "above-moderate" income new construction and none for moderate, low and very low income. During this period, actual construction and demolition resulted in a net increase of 51 dwelling units, 40 of them multifamily residential, and 11 single family units. This period of time was characterized primarily by a downturn in the economy, with the term of many entitled tentative tract maps extended due to lack of financing. Toward the end of the period, construction levels began to increase. The goal did not include an estimate of the level of demolitions that inevitably occur in a built-up city, and if it had, the estimate would have been closer to the net actual construction level. The 1998-2005 Housing Element goal incorporates actual and assumed demolition levels.

- Program 1.1 Continue and expand federally funded Handyman Program (minor repairs/improved security/handicap aids for low income tenants and homeowners). Serve approximately 48 households per year for a total of 96 households between July 1, 1994 and June 30, 1996 and approximately 144 households between July 1, 1996 and June 30, 1999.

Implementation: Between July 1994 and June 1999, 144 households received services through the Handyman Program. This figure is lower than the program objective due to a period of time in 1997/1998 when the City put the program on hiatus while securing a new non-profit organization to provide the services.

- Program 1.2 Continue program under rent stabilization ordinances of investigation of tenant complaints about maintenance at a rate of

approximately nine per month, or a total of 216 between July 1, 1994 and June 30, 1996, and approximately 324 between July 1, 1996 and June 30, 1999.

Implementation: Investigation of tenant complaints about maintenance during the period July 1994 to June 1999, continued to average about nine per month. It is estimated that the total such complaints investigated between July 1994 and June 1996 is 216 and the total between July 1996 and June 1999 is 324.

- Program 1.3 Continue to enforce property maintenance standards, and continue to require that the exterior of vacated multifamily structures which will be demolished for condominium development are adequately maintained as a condition of extension of tentative map approval for the site. Explore feasibility of a program to encourage aesthetic maintenance standards for exterior yards and the front of residential structures.

Implementation: An "R-4 Checklist" was created that enumerates various maintenance issues. This checklist is employed when evaluating requests for the extension of tentative tract maps to insure that properties are being maintained during the time future entitlements on the properties are in place but not yet executed.

- Program 1.4. Encourage residential property owners to rehabilitate empty units using federal, State or local funds in exchange for limiting rent levels for target groups of low and moderate incomes.

Implementation: Implementation of this program is pending.

- Program 1.5 Complete Phase II of revisions to zone standards for multifamily areas. (Phase I, enacted in 1983, established revised height limits similar to heights of existing development. Phase II involves a comprehensive analysis of multifamily residential development standards, including consideration of reducing minimum unit sizes, ceiling height, open space, projections into required setbacks, elimination of habitable basements to advance overall design objectives and reduce flood risks where this is a factor, maximum structure height, measurement of height by feet rather than stories, garage height and

access, building length, relation to street and adjacent structures, standards for substandard sized lots, encouraging usable balconies, courtyards, implication of flood areas on subterranean parking, etc.) In the event that residential zoning is proposed for the south side of North Santa Monica Boulevard east of Beverly Boulevard, a substantial setback and buffer from N. Santa Monica Boulevard should be incorporated.

Implementation: Phase II of revisions to multifamily residential standards was enacted in 1996 (96-0-2266) and further revisions enacted in 1998. The minimum unit size for efficiency type units (0-bedroom) was reduced from 1,000 square feet to 600 square feet in 2000.

- Program 1.6 Allow for not only reconstruction but some expansion of deteriorating garages of apartment buildings without requiring compliance with current setback requirements which usually prevents reconstruction of the garages and may precipitate a decision to demolish the often older, more affordable apartment building for redevelopment.

Implementation: In 1994, an ordinance was enacted that permits the expansion of existing garages and carports in the rear yard setback (otherwise prohibited) for multifamily residential development.

- Program 1.7 Continue study of parking-deficient residential areas, evaluate permit parking zones and overnight parking in areas of deficient off-street residential parking.

Implementation: Implementation of this program is pending.

- Program 1.8 Continue utility undergrounding programs and explore ways for residents to initiate requests for utility undergrounding over a ten- to twenty-year period.

Implementation: Underground Utility District No. 6 was established in 1995 that covers the only remaining above-ground power poles and lines on streets which are located in the Industrial Area.

- Program 1.9 Continue study of all aspects of the maximum zoning envelope for single family residential development, including standards for

accessory structures (as distinct from secondary units), lot coverage, setbacks, basements, possible reduction in minimum unit size, etc.

Implementation: Ordinances addressing these issues were enacted in 1994 (accessory structures in hillside areas, hillside view protection), in 1995 (requirement for review of houses above 25,000 square feet in hillside area), in 1996, and in 1999 (height definitions)

- Program 1.10 Develop standards for lots with substandard widths or sizes.

Implementation: Development of these standards is pending.

- Program 2.1 If funding permits, continue and if feasible expand the Handyman Program which provides minor repair/improved security/handicap aids to lower income households. Continue priority scheduling of elderly, handicapped and single parent households. (See Program 1.1 for goals for the planning period.)

Implementation: The Handyworker Program has continued to be funded.

- Program 2.2 Continue to monitor existing assisted housing (Section 202 project and Section 8 Existing/vouchers). Seek ways to increase access of qualified Beverly Hills residents to available rental support programs to attempt to restore participation to previous levels (approximately 40-50 certificates).

Implementation: The Section 8 Existing/vouchers program continues in Beverly Hills, however apparently due to rising rental costs in comparison with the allowable Fair Market Rents, the number of Section 8 vouchers holders in the City has continued to diminish.

- Program 2.3 Continue to monitor the conversion or demolition of apartment units subject to Ordinance 82-0-1839 which limits the rate at which apartment units may be demolished or converted to condominium units. Evaluate the effect of this ordinance and make any appropriate changes.

Implementation: Monitoring of this program has continued. Study and recommendations with respect to the continued utility of this ordinance have not yet been undertaken.

- Program 2.4 Investigate legal ways of delaying demolitions of older apartment buildings until new projects approved for these sites are ready to be implemented, for example upon issuance of construction permits or funding.

Implementation: In 1999, an ordinance was enacted that requires that demolition permits may not be issued unless a building permit is also issued to permit construction of a replacement building, and requires that while vacant, sites must be maintained with minimal landscaping, fencing, etc.

- Program 2.5 Encourage use by for-profit and nonprofit housing developers of available federal and State financing and tax credit programs for development of affordable housing. Promote utilization of City's existing density bonus and low income senior housing ordinances. Assist developers of low income housing by providing or encouraging use of such federal and State funding as is available (e.g., Community Development Block Grant, HOME funds, etc. See Appendix 5.7). Explore creation of a local fund to assist developers of housing affordable to lower income households. Possible methods of creating this fund could include requiring an in-lieu fee where commercial or residential redevelopment above some minimum size results in a net loss of residential units, or could include an inclusionary requirement on new, market rate multifamily residential development above some minimum size with the requirement met by a choice of development of low income units or an in-lieu payment to the housing fund. Review appropriateness of utilizing City-owned property for low income housing, possibly as part of a mixed use development.

Implementation: City staff assist developers inquiring about available funding programs and proactively advise on the City's density bonus and second unit ordinances. Creation of a local fund and inclusionary requirements have not yet been undertaken.

- Program 2.6 Continue to use CDBG funds to support a Senior Case Management program which assists frail elderly persons to remain in their homes serving approximately 76 persons during July, 1994 through June 1996 and 114 persons between July 1996 and June 1999. The Senior Homeshare program which provides screened referrals of prospective roommates to seniors who wish to share housing to reduce costs and increase companionship and sense of security, is expected to serve approximately 54 seniors during July 1994 and June 1996, and 81 seniors between July 1996 and June 1999. As funds permit, continue to provide support to organizations assisting the homeless, including consideration of an interjurisdictional effort to construct a homeless shelter. Consider reducing cost of certain City services for seniors with incomes not exceeding some preestablished level.

Implementation: Between July 1994 and June 1996, the Senior Case Management Program assisted 133 frail elderly persons; 126 persons were assisted between July 1996 and June 1999. The Senior Homeshare Program assisted 99 seniors between July 1994 and June 1996 and assisted 132 seniors between July 1996 and June 1999. During the period July 1994 to June 1999, the City provided \$50,000 in CDBG funds to a non-profit group for the design of a multijurisdictional homeless center located at the Veterans Administration facility in West Los Angeles. The facility serves homeless veterans from the Los Angeles County area including those from Beverly Hills.

- Program 2.7 Revise City's existing Density Bonus Ordinance to achieve compatibility with current State law and to increase its effectiveness in providing affordable housing. Allow reduction in parking standards for units reserved for elderly; permit one additional story above right of zone in some areas. Study providing additional incentives for set-aside units of three bedrooms to increase the supply of affordable units large enough for families.

Implementation: The Density Bonus Ordinance was amended in 1994, however recent State legislation extends the eligibility of density bonus projects to those involving the conversion of commercial buildings for residential use. The City's ordinance will require additional amendment to incorporate these latest revisions.

- Program 2.8 Develop local "second unit" ordinance instead of utilizing the mandatory State law and explore restricting occupancy to targeted groups.

Implementation: Second unit ordinance (97-0-2285) adopted in 1997, however no occupancy restrictions were imposed.

- Program 3.1 Study and consider feasibility of permitting a limited increase in maximum allowable heights, taking into consideration road width and other factors, in selected multifamily residential areas. Limited height increases can act to compensate for the propensity of developers to build less than the maximum number of units possible where large units are desired, so that the full development potential of sites may be achieved. The height increases would involve elimination of habitable basements to advance overall design objectives of Program 1.5 and to reduce flood risks where this is a factor. Such areas could include:
 - In areas where existing two-story multifamily residential height limits abut three-story commercial streets, increase height limit to three stories (involving approximately 49 lots);
 - In three-story areas currently surrounded by five- and four-story height limits (east of Maple Dr. north of Burton Way), increase to five stories (involving approximately 96 lots); and
 - In the area surrounded by commercial development and La Cienega Park (Hamilton, Gale and Tower Drives south of Wilshire Boulevard), increase the existing height limit to four stories (involving approximately 76 lots) .

Implementation: In 1994 and 1996, subterranean construction of habitable units in areas defined as flood-prone was prohibited. Phase II of the R-4 Development Standards effectively increased the height limit throughout the areas where multifamily residential development is permitted.

- Program 3.2 Continue monitoring by the Architectural Commission of multifamily development to assure high quality design. By ensuring high quality design, the City hopes to lower effective housing costs in the

longer term by reducing the need for costly maintenance, repairs, and upgrades after multifamily developments are occupied.

Implementation: The Architectural Commission has continued review of proposed multifamily residential projects.

- Program 4.1 Study feasibility of and develop standards for a new single family residential zone (R-1A) in which attached owner units would be permitted in selected R-1 zoned areas, with standards to be compatible with existing R-1 standards, but which maximize open space and emphasize security. Such developments would require that a minimum of two lots be developed at the same time. In identified areas, include consideration of locating the new zone in such a way as to improve existing transitions between commercial and single family detached residential areas and border areas in locations where such adjacencies have been identified as a problem. Also study appropriateness of R-1A zone on substandard sized R-1 zoned lots. Analyze effect of the existence or lack of an alley separating commercial and residential land uses.

Implementation: Implementation of this study is pending.

- Program 4.2 Study feasibility of and develop standards for a new multifamily residential zone (R-4T) in which dwelling units would be required to be constructed in the townhouse style, i.e., units would be constructed side-by-side with no other units above or below. Consider feasibility of locating the R-4T zone in such a way as to encourage limited redevelopment of older areas. Initial study areas could include but not be limited to:
 - The north side of Clifton Way between Arnaz Drive and Le Doux Road.
 - Small, substandard sized legally nonconforming lots currently zoned for multifamily residential for which current R-4 development standards are inappropriate.
 - N. Doheny Dr. between Wilshire Boulevard and Burton Way.

Implementation: Implementation of this program is pending.

- Program 4.3 Study feasibility of and develop standards for mixed residential-commercial structures, with and without low income housing

components, including additional height, in areas currently zoned for commercial use and consider appropriateness of various areas, such as:

- South side of Wilshire Boulevard, east of Beverly Drive. (Between Stanley Drive and Le Doux Road, extend to north side of Charleville Boulevard.)
- Eastern area of Business Triangle.
- South side of Burton Way (commercially zoned parcels).
- Olympic Boulevard (commercially zoned parcels).
- La Cienega Boulevard north of Wilshire Boulevard.
- City-owned property where some or all of the residential units would be for lower income households.
- East side of South Beverly Drive.

Implementation: Study of mixed use has been initiated with two studies completed and a workshop and field trips devoted to discussing viable mixed use project that could be developed in the City. Standards and possible locations are expected to be developed early in 2001.

- Program 4.4 Develop new standards for and enact an ordinance which would permit and regulate home occupations in residential zones.

Implementation: An ordinance regulating home occupations was developed and has undergone public hearings. Final consideration is scheduled in 2001.

Appendix 5.3 Summary of Significant State Housing Legislation.

Government Code Section 65583 et seq identifies the required content of a Housing Element and is included herein along with related sections.

The 1998 General Plan Guidelines are advisory to local governments. That portion of the Guidelines pertaining to the Housing Element is included.

GOVERNMENT CODE

Sections 59200 to 65799

Volume 16C

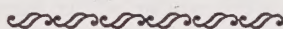
2000

Cumulative Pocket Part

Revising 1998 Code that incorporated 1975 and 1992 codes

The codes are brought up to date
on the volume 16C display and the other volume 16C

West's
ANNOTATED
CALIFORNIA CODES



GOVERNMENT CODE
Sections 59100 to 65799

Volume 36C

2000
Cumulative Pocket Part

Replacing 1999 Pocket Part supplementing 1997 main volume

**Includes laws through the 1999 portion
of the 1999–2000 Regular and First Extraordinary Session**



WEST GROUP

LOCAL PLANNING

Div. 1

Section

- 65581. Intent of legislature.
- 65582. Definitions.
- 65583. Contents of housing element.
- 65583.1. Housing element; identification of sites; closed military bases.
- 65584. Share of city or county of regional housing needs; determination and distribution; revision.
- 65584.3. Los Angeles county; cities without residentially zoned lands; adoption of housing element; transfer of tax increment funds for low- and moderate-income housing; use of funds.
- 65584.5. Transfer of share of regional housing needs; cities or counties; requirements; limitations; procedures.
- 65584.6. Napa county; lower income households; share of regional housing need; construction of affordable units; committing funds; conditions and limitations.
- 65585. Draft element or amendment; submission, review and report; adoption by legislative body; review by department and report to planning agency.
- 65585.1. Self-certification; pilot project; San Diego Association of Governments; low income housing units; maximum number; criteria; reports.
- 65586. Time within which housing elements must conform to guidelines and this article.
- 65587. Housing element deadline; extensions; actions for review of conformity; time for compliance.
- 65587.1. Revenue bond programs; local approval of housing related projects; compliance with relevant laws.
- 65588. Review and revision.
- 65588.1. Planning period extension.
- 65588.5. Repealed.
- 65589. Construction of article.
- 65589.3. Rebuttable presumption of validity of element or amendment in action to challenge housing element.
- 65589.5. Legislative findings; state policies; disapproval or approval by local agency of low- and moderate-income housing development projects; construction and application of section; definitions.
- 65589.6. Burden of proof; conformance to conditions in § 65589.5.
- 65589.7. Delivery of housing element to public agencies or private entities providing water or sewer services; priority for services.
- 65589.8. Fixed percentage of affordable housing units; satisfaction of requirement by construction of rental housing at affordable monthly rents.

Not included
in this copy

Article 10.6 was added by Stats.1980, c. 1143, p. 3697, § 3.

Cross References

Community development block grant program funds, compliance with this article as condition to receiving funds, see Health and Safety Code §§ 50829, 50830.
Mather Air Force Base Redevelopment Project Area, special requirements, see Health and Safety Code § 33492.61.

Law Review and Journal Commentaries

California legislature prohibits exclusionary zoning, mandates fair share: Inclusionary housing programs a likely response. Carolyn Burton, 9 San Fern.V.L.Rev. 19 (1981).

Marina Point, Ltd. v. Wolfson: Discrimination in rental housing against families with children. 71 Cal.L.Rev. 1324 (1983).

Positive response to growth control plans: Orange County inclusionary housing program. Linda J. Bozung, 9 Pepp.L.Rev. 819 (1982).

Article 10.6

HOUSING ELEMENTS

Section

65580. Legislative finding and declaration.
 65583. Contents of housing element.
 65583.1. Housing units; identification of sites; military base closures; units made available to low and very low income houses through program of committed assistance.
 65584. Share of city or county of regional housing needs; determination and distribution; revision.

Section

- 65584.3. Los Angeles county; cities without residentially zoned lands; adoption of housing element; transfer of tax increment funds for low- and moderate-income housing; use of funds.
 65587.1. Repealed.
 65588. Review and revision.
 65589.5. Housing development projects affordable to very low, low, or moderate income households; disapproval; conditions.

§ 65580. Legislative finding and declaration

The Legislature finds and declares as follows:

(a) The availability of housing is of vital statewide importance, and the early attainment of decent housing and a suitable living environment for every * * * Californian, including farmworkers, is a priority of the highest order.

(b) The early attainment of this goal requires the cooperative participation of government and the private sector in an effort to expand housing opportunities and accommodate the housing needs of Californians of all economic levels.

(c) The provision of housing affordable to low- and moderate-income households requires the cooperation of all levels of government.

(d) Local and state governments have a responsibility to use the powers vested in them to facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community.

(e) The Legislature recognizes that in carrying out this responsibility, each local government also has the responsibility to consider economic, environmental, and fiscal factors and community goals set forth in the general plan and to cooperate with other local governments and the state in addressing regional housing needs.

(Amended by Stats.1999, c. 967 (A.B.1505), § 4.)

Library References

Legal Jurisprudences

Cal Jur 3d Zon § 29.

Treatises and Practice Aids

Witkin, Summary (9th ed) Const Law §§ 828, 829.

Miller & Starr, Cal Real Estate 2d §§ 20:94, 20:98.

Additional References

The dream of fair housing. 5 CEB Land Use & Environment Forum No. 1, p. 3.

§ 65583. Contents of housing element

The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, and mobilehomes, and shall make adequate provision for the existing and projected needs of all economic segments of the community. The element shall contain all of the following:

(a) An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. The assessment and inventory shall include the following:

(1) An analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected housing needs for all income levels. These existing and projected needs shall include the locality's share of the regional housing need in accordance with Section 65584.

(2) An analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition.

Additions or changes indicated by underline; deletions by asterisks * * *

(3) An inventory of land suitable for residential development, including vacant sites and sites having potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites.

(4) An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584.

(5) An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, and the cost of construction.

(6) An analysis of any special housing needs, such as those of the handicapped, elderly, large families, farmworkers, families with female heads of households, and families and persons in need of emergency shelter.

(7) An analysis of opportunities for energy conservation with respect to residential development.

(8) An analysis of existing assisted housing developments that are eligible to change from low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use. "Assisted housing developments," for the purpose of this section, shall mean multifamily rental housing that receives governmental assistance under federal programs listed in subdivision (a) of Section 65863.10, state and local multifamily revenue bond programs, local redevelopment programs, the federal Community Development Block Grant Program, or local in-lieu fees. "Assisted housing developments" shall also include multifamily rental units that were developed pursuant to a local inclusionary housing program or used to qualify for a density bonus pursuant to Section 65916.

(A) The analysis shall include a listing of each development by project name and address, the type of governmental assistance received, the earliest possible date of change from low-income use and the total number of elderly and nonelderly units that could be lost from the locality's low-income housing stock in each year during the 10-year period. For purposes of state and federally funded projects, the analysis required by this subparagraph need only contain information available on a statewide basis.

(B) The analysis shall estimate the total cost of producing new rental housing that is comparable in size and rent levels, to replace the units that could change from low-income use, and an estimated cost of preserving the assisted housing developments. This cost analysis for replacement housing may be done aggregately for each five-year period and does not have to contain a project by project cost estimate.

(C) The analysis shall identify public and private nonprofit corporations known to the local government which have legal and managerial capacity to acquire and manage these housing developments.

(D) The analysis shall identify and consider the use of all federal, state, and local financing and subsidy programs which can be used to preserve, for lower income households, the assisted housing developments, identified in this paragraph, including, but not limited to, federal Community Development Block Grant Program funds, tax increment funds received by a redevelopment agency of the community, and administrative fees received by a housing authority operating within the community. In considering the use of these financing and subsidy programs, the analysis shall identify the amounts of funds under each available program which have not been legally obligated for other purposes and which could be available for use in preserving assisted housing developments.

(b)(1) A statement of the community's goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing.

(2) It is recognized that the total housing needs identified pursuant to subdivision (a) may exceed available resources and the community's ability to satisfy this need within the content of the general plan requirements outlined in Article 5 (commencing with Section 65300). Under these circumstances, the quantified objectives need not be identical to the total housing needs. The quantified objectives shall establish the maximum number of housing units by income category that can be constructed, rehabilitated, and conserved over a five-year time period.

(c) A program which sets forth a five-year schedule of actions the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through the administration of land use and development controls, provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs when available and the utilization of moneys in a Low and Moderate Income Housing Fund of an agency if the locality has established a redevelopment project area pursuant to the Community Redevelopment Law (Division 24 (commencing with Section 33000) of the Health and Safety Code). In

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order to make adequate provision for the housing needs of all economic segments of the community, the program shall do all of the following:

(1)(A) Identify adequate sites which will be made available through appropriate zoning and development standards and with * * * services and facilities, including sewage collection and treatment, domestic water supply, and septic tanks and wells, needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, emergency shelters, and transitional housing in order to meet the community's housing goals as identified in subdivision (b). Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall provide for sufficient sites with zoning that permits owner-occupied and rental multifamily residential use by right, including density and development standards that could accommodate and facilitate the feasibility of housing for very low and low-income households. Where the inventory of sites pursuant to paragraph (3) of subdivision (a) does not identify adequate sites to accommodate the need for farmworker housing, the program shall provide for sufficient sites to meet the need with zoning that permits farmworker housing use by right, including density and development standards that could accommodate and facilitate the feasibility of the development of farmworker housing for low and very low income households.

(B) For purposes of this paragraph, the phrase "use by right" shall mean the use does not require a conditional use permit, except when the proposed project is a mixed-use project involving both commercial or industrial uses and residential uses. Use by right for all rental multifamily residential housing shall be provided in accordance with subdivision (f) of Section 65589.5.

(C) The requirements of this subdivision regarding identification of sites for farmworker housing shall apply commencing with the next revision of housing elements required by Section 65588 following the enactment of this subchapter.

(2) Assist in the development of adequate housing to meet the needs of low- and moderate-income households.

(3) Address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing.

(4) Conserve and improve the condition of the existing affordable housing stock, which may include addressing ways to mitigate the loss of dwelling units demolished by public or private action.

(5) Promote housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, or color.

(6)(A) Preserve for lower income households the assisted housing developments identified pursuant to paragraph (8) of subdivision (a). The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all available federal, state, and local financing and subsidy programs identified in paragraph (8) of subdivision (a), except where a community has other urgent needs for which alternative funding sources are not available. The program may include strategies that involve local regulation and technical assistance.

(B) The program shall include an identification of the agencies and officials responsible for the implementation of the various actions and the means by which consistency will be achieved with other general plan elements and community goals. The local government shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort.

(d) The analysis and program for preserving assisted housing developments required by the amendments to this section enacted by the Statutes of 1989 shall be adopted as an amendment to the housing element by July 1, 1992.

(e) Failure of the department to review and report its findings pursuant to Section 65585 to the local government between July 1, 1992, and the next periodic review and revision required by Section 65588, concerning the housing element amendment required by the amendments to this section by the Statutes of 1989, shall not be used as a basis for allocation or denial of any housing assistance administered pursuant to Part 2 (commencing with Section 50400) of Division 31 of the Health and Safety Code. (Amended by Stats.1999, c. 967 (A.B.1505), § 5.)

Historical and Statutory Notes

1999 Legislation

Section 7 of Stats.1999, c. 967 (A.B.1505), provides:

"It is the intent of the Legislature that when reviewing a jurisdiction's housing element for substantial compliance

with state law, the Department of Housing and Community Development shall (a) consider whether the sites identified for farmworker housing pursuant to paragraph (1) of subdivision (c) of Section 65583 of the Government Code facilitate the improvement and development of housing for

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farmworkers while minimizing the development of prime agricultural land to urban uses, and (b) recognize and support efforts by cities and counties in agricultural areas to work together cooperatively to identify their respective

share of the sites needed for farmworker housing and to locate those sites, to the extent feasible, within or adjacent to existing urbanized areas."

Library References

Legal Jurisprudences

Cal Jur 3d Zon §§ 28, 29.

Treatises and Practice Aids

Witkin, Summary (9th ed) Const Law §§ 829, 852.

Witkin, Summary (9th ed) Real Prop § 568.

Miller & Starr, Cal Real Estate 2d § 20:94.

Additional References

Affordable housing: an attorney's guide to key issues and governing statutes (Part I). 16 CEB Real Prop L Rep 329.

Planning For Affordable Housing: What Do the 90s Hold. 1 CEB Land Use Forum 9.

Defect in city's housing element requires withholding development approval pending correction of defect. CEB Real Property Law Reporter (1986) Vol 9 No. 2 p 50.

Notes of Decisions

Construction and application 1.5

1.5. Construction and application

Consistent administrative interpretation of statute over a reasonable period of time, particularly by agency charged with enforcing, implementing and interpreting statutory scheme, is entitled to great weight, and judicial departure from such administrative construction is warranted only where it is clearly erroneous or unauthorized. *Hoffmaster v. City of San Diego* (App. 4 Dist. 1997) 64 Cal.Rptr.2d 684, 55 Cal.App.4th 1098, rehearing denied, review denied.

8. Homeless persons

Housing element of general zoning plan must contain quantitative analysis supporting conclusion local government and the community cannot meet acknowledged need for housing, while indicating maximum number of housing units by income category which local government projects can be constructed, rehabilitated and conserved over statutory five-year time period; analyses should be based on comprehensive assessments of current and anticipated economic and market conditions and available resources in light of reasonable prioritization of municipal goals given legislative determination of the preeminent importance of an adequate housing element within a general plan. *Hoffmaster v. City of San Diego* (App. 4 Dist. 1997) 64 Cal.Rptr.2d 684, 55 Cal.App.4th 1098, rehearing denied, review denied.

Housing element of city's general zoning plan did not substantially comply with legislative mandate to identify adequate sites which city's action program would make available for development of transitional housing to satisfy city's quantified objectives for the homeless; substantial compliance required more than merely designating every unoccupied mote within city's boundaries, each of which was subject to city-imposed developmental and separation restrictions limiting transitional residential care housing. *Hoffmaster v. City of San Diego* (App. 4 Dist. 1997) 64 Cal.Rptr.2d 684, 55 Cal.App.4th 1098, rehearing denied, review denied.

Although city was required under section of the Government Code to identify in housing element of its general zoning plan adequate sites for emergency shelter and

transitional housing for the homeless, which would be made available through its action plan, city was not required to designate geographical zones where shelter for the homeless might be built as a matter of right without a conditional use permit (CUP) or without complying with underlying zoning of the area. *Hoffmaster v. City of San Diego* (App. 4 Dist. 1997) 64 Cal.Rptr.2d 684, 55 Cal.App.4th 1098, rehearing denied, review denied.

For city's identification of adequate sites for emergency shelter and transitional housing for the homeless to be meaningful, it must necessarily be specific, and must set forth sites which will be available to be developed, without restrictive zoning burdens which combined with the NIM-BY (Not In My Back Yard) factor become insurmountable or produce protracted delays and deterrent cost increases. *Hoffmaster v. City of San Diego* (App. 4 Dist. 1997) 64 Cal.Rptr.2d 684, 55 Cal.App.4th 1098, rehearing denied, review denied.

Failure of housing element of city's general zoning plan to adequately identify sites for emergency shelters and transitional housing for the homeless through action program designed to attain city's quantified housing goals as to the homeless, was not offset by city's "Good Neighbor Plan" to encourage operators of emergency shelters to contact potential neighbors and make a good faith effort to resolve location issues before applying for a conditional use permit (CUP), especially considering that "Good Neighbor Plan" contained no provision requiring city to assist applicants in obtaining community approval for a CUP. *Hoffmaster v. City of San Diego* (App. 4 Dist. 1997) 64 Cal.Rptr.2d 684, 55 Cal.App.4th 1098, rehearing denied, review denied.

Failure of housing element of city's general zoning plan to adequately identify sites for homeless emergency shelters and transitional housing to be made available through action program designed to attain city's quantified housing goals, was not offset by city's "homeless policy," which was program designed to assist persons to break cycle of homelessness; although policy was a laudable and necessary ingredient of any effective action program to address needs of homeless, it contained no features to offset effect of ordinance restricting development of residential care facilities. *Hoffmaster v. City of San Diego* (App. 4 Dist. 1997) 64 Cal.Rptr.2d 684, 55 Cal.App.4th 1098, rehearing denied, review denied.

§ 65583.1. Housing units; identification of sites; military base closures; units made available to low and very low income houses through program of committed assistance

(a) The Department of Housing and Community Development, in evaluating a proposed or adopted housing element for consistency with state law, may allow a * * * city or county to identify adequate sites, as required pursuant to Section 65583, by a variety of methods, including, but not limited to, redesignation of property to a more intense land use category and increasing the density allowed within one or more categories. Nothing in this section reduces * * * the responsibility of a city or county to identify, by income category, the total number of sites for residential development as required by this article.

(b) Sites that contain permanent housing units located on a military base undergoing closure or conversion as a result of action pursuant to the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526), the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510), or any subsequent act requiring the closure or conversion of a military base may be identified as an adequate site if the housing element demonstrates that the housing units will be available for occupancy by households within the planning period of the element. No sites containing housing units scheduled or planned for demolition or conversion to nonresidential uses shall qualify as an adequate site.

Any city, city and county, or county using this subdivision shall address the progress in meeting this section in the reports provided pursuant to paragraph (1) of subdivision (b) of Section 65400.

(c)(1) The Department of Housing and Community Development may allow a city or county to substitute the provision of units for up to 25 percent of the community's obligation to identify adequate sites for any income category in its housing element pursuant to paragraph (1) of subdivision (c) of Section 65583 if the community includes in its housing element a program committing the local government to provide units in that income category within the city or county that will be made available through the provision of committed assistance during the planning period covered by the element to low- and very low income households at affordable housing costs or affordable rents, as defined in Sections 50052.5 and 50053 of the Health and Safety Code, and which meet the requirements of paragraph (2). Except as otherwise provided in this subdivision, the community may substitute one dwelling unit for one dwelling unit site in the applicable income category. The program shall do all of the following:

(A) Identify the specific, existing sources of committed assistance and dedicate a specific portion of the funds from those sources to the provision of housing pursuant to this subdivision.

(B) Indicate the number of units that will be provided to both low- and very low income households and demonstrate that the amount of dedicated funds is sufficient to develop the units at affordable housing costs or affordable rents.

(C) Demonstrate that the units meet the requirements of paragraph (2).

(2) Only units that comply with subparagraph (A), (B), or (C) qualify for inclusion in the housing element program described in paragraph (1), as follows:

(A) Units that are to be substantially rehabilitated with committed assistance from the city or county and constitute a net increase in the community's stock of housing affordable to low- and very low income households. For purposes of this subparagraph, a unit is not eligible to be "substantially rehabilitated" unless all of the following requirements are met:

(i) At the time the unit is identified for substantial rehabilitation, (I) the local government has determined that the unit is at imminent risk of loss to the housing stock, (II) the local government has committed to provide relocation assistance pursuant to Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 to any occupants temporarily or permanently displaced by the rehabilitation or code enforcement activity, (III) the local government requires that any displaced occupants will have the right to reoccupy the rehabilitated units, and (IV) the unit has been cited and found by the local code enforcement agency or a court to be unfit for human habitation and vacated or subject to being vacated because of the existence for not less than 120 days of four of the conditions listed in subdivisions (a) to (g), inclusive, of Section 17995.3 of the Health and Safety Code.

(ii) The rehabilitated unit will have long-term affordability covenants and restrictions that require the unit to be available to, and occupied by, persons or families of low- or very low income at affordable housing costs for at least 20 years or the time period required by any applicable federal or state law or regulation, except that if the period is less than 20 years, only one unit shall be credited as an identified adequate site for every three units rehabilitated pursuant to this section, and no credit shall be allowed for a unit required to remain affordable for less than 10 years.

(iii) Prior to initial occupancy after rehabilitation, the local code enforcement agency shall issue a certificate of occupancy indicating compliance with all applicable state and local building code and health and safety code requirements.

(B) Units that are located in a multifamily rental housing complex of 16 or more units, are converted with committed assistance from the city or county from nonaffordable to affordable by acquisition of the unit or the purchase of affordability covenants and restrictions for the unit, are not acquired by eminent domain, and constitute a net increase in the community's stock of housing affordable to low- and very low income households. For purposes of this subparagraph, a unit is not converted by acquisition or the purchase of affordability covenants unless all of the following occur:

- (i) The unit is made available at a cost affordable to low- or very low income households.
- (ii) At the time the unit is identified for acquisition, the unit is not available at a cost affordable to low- or very low income households.
- (iii) At the time the unit is identified for acquisition the unit is not occupied by low- or very low income households.
- (iv) The unit is in decent, safe, and sanitary condition at the time of occupancy.
- (v) The acquisition price is not greater than 120 percent of the median price for housing units in the city or county.
- (vi) The unit has long-term affordability covenants and restrictions that require the unit to be affordable to persons of low or very low income for not less than 30 years.

(C) Units that will be preserved at affordable housing costs to persons or families of low or very low incomes with committed assistance from the city or county by acquisition of the unit or the purchase of affordability covenants for the unit. For purposes of this subparagraph, a unit shall not be deemed preserved unless all of the following occur:

- (i) The unit has long-term affordability covenants and restrictions that require the unit to be affordable to and reserved for occupancy by persons of the same or lower income group as the current occupants for a period of at least 40 years.
- (ii) The unit is multifamily rental housing that receives governmental assistance under any of the following state and federal programs: Section 221(d)(3) of the National Housing Act (12 U.S.C. Sec. 1715l(d)(3) and (5)); Section 236 of the National Housing Act (12 U.S.C. Sec. 1715z-1); Section 202 of the Housing Act of 1959 (12 U.S.C. Sec. 1701q); for rent supplement assistance under Section 101 of the Housing and Urban Development Act of 1965, as amended (12 U.S.C. Sec. 1701s); under Section 515 of the Housing Act of 1949, as amended (42 U.S.C. Sec. 1485); and any new construction, substantial rehabilitation, moderate rehabilitation, property disposition, and loan management set-aside programs, or any other program providing project-based assistance, under Section 8 of the United States Housing Act of 1937, as amended (42 U.S.C. Sec. 1437f); any state and local multifamily revenue bond programs; local redevelopment programs; the federal Community Development Block Grant Program; and other local housing assistance programs or units that were used to qualify for a density bonus pursuant to Section 65916.
- (iii) The city or county finds, after a public hearing, that the unit is eligible, and is reasonably expected, to change from housing affordable to low- and very low income households to any other use during the next five years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use.
- (iv) The unit is in decent, safe, and sanitary condition at the time of occupancy.
- (v) At the time the unit is identified for preservation it is available at affordable cost to persons or families of low or very low income.

(3) This subdivision does not apply to any city or county that, during the current or immediately prior planning period, as defined by Section 65588, has not met any of its share of the regional need for affordable housing, as defined in Section 65584, for low- and very low income households. A city or county shall document for any such housing unit that a building permit has been issued and all development and permit fees have been paid or the unit is eligible to be lawfully occupied.

(4) For purposes of this subdivision, "committed assistance" means that the city or county enters into a legally enforceable agreement during the first two years of the housing element planning period that obligates sufficient available funds to provide the assistance necessary to make the identified units affordable and that requires that the units be made available for occupancy within two years of the execution of the agreement. "Committed assistance" does not include tenant-based rental assistance.

(5) For purposes of this subdivision, "net increase" includes only housing units provided committed assistance pursuant to subparagraph (A) or (B) of paragraph (2) in the current planning period, as

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defined in Section 65588, that were not provided committed assistance in the immediately prior planning period.

(6) For purposes of this subdivision, "the time the unit is identified" means the earliest time when any city or county agent, acting on behalf of a public entity, has proposed in writing or has proposed orally or in writing to the property owner, that the unit be considered for substantial rehabilitation, acquisition, or preservation.

(7) On July 1 of the third year of the planning period, as defined by Section 65588, in the report required pursuant to Section 65400, each city or county that has included in its housing element a program to provide units pursuant to subparagraph (A), (B), or (C) of paragraph (2) shall report in writing to the legislative body, and to the department within 30 days of making its report to the legislative body, on its progress in providing units pursuant to this subdivision. The report shall identify the specific units for which committed assistance has been provided or which have been made available to low- and very low income households, and it shall adequately document how each unit complies with this subdivision. If, by July 1 of the third year of the planning period, the city or county has not entered into an enforceable agreement of committed assistance for all units specified in the programs adopted pursuant to subparagraph (A), (B), or (C) of paragraph (2), the city or county shall, not later than July 1 of the fourth year of the planning period, adopt an amended housing element in accordance with Section 65585, identifying additional adequate sites pursuant to paragraph (1) of subdivision (c) of Section 65583 sufficient to accommodate the number of units for which committed assistance was not provided. If a city or county does not amend its housing element to identify adequate sites to address any shortfall, or fails to complete the rehabilitation, acquisition, purchase of affordability covenants, or the preservation of any housing unit within two years after committed assistance was provided to that unit, it shall be prohibited from identifying units pursuant to subparagraph (A), (B), or (C) of paragraph (2) in the housing element that it adopts for the next planning period, as defined in Section 65588, above the number of units actually provided or preserved due to committed assistance.

(Amended by Stats.1998, c. 796 (A.B.438), § 3.)

Historical and Statutory Notes

1998 Legislation

For statement of legislative intent of Stats.1998, c.796, see Government Code § 65400.

§ 65584. Share of city or county of regional housing needs; determination and distribution; revision

(a) For purposes of subdivision (a) of Section 65583, the share of a city or county of the regional housing needs includes that share of the housing need of persons at all income levels within the area significantly affected by a general plan of the city or county. The distribution of regional housing needs shall, based upon available data, take into consideration market demand for housing, employment opportunities, the availability of suitable sites and public facilities, commuting patterns, type and tenure of housing need, the loss of units contained in assisted housing developments, as defined in paragraph (8) of subdivision (a) of Section 65583, that changed to non-low-income use through mortgage prepayment, subsidy contract expirations, or termination of use restrictions, and the housing needs of farmworkers. The distribution shall seek to reduce the concentration of lower income households in cities or counties which already have disproportionately high proportions of lower income households. Based upon * * * population projections produced by the Department of Finance and regional population forecasts used in preparing regional transportation plans, and in consultation with each council of governments, the Department of Housing and Community Development shall determine the regional share of the statewide housing need at least two years prior to the second revision, and all subsequent revisions as required pursuant to Section 65588. Based upon data provided by the department relative to the statewide need for housing, each council of governments shall determine the existing and projected housing need for its region. Within 30 days following notification of this determination, the department shall ensure that this determination is consistent with the statewide housing need. The department may revise the determination of the council of governments if necessary to obtain this consistency. The appropriate council of governments shall determine the share for each city or county consistent with the criteria of this subdivision and with the advice of the department subject to the procedure established pursuant to subdivision (c) at least one year prior to the second revision, and at five-year intervals following the second revision pursuant to Section 65588. The council of governments shall submit to the department information regarding the assumptions and methodology to be used in allocating the regional housing need. As part of the allocation of the regional housing need, the council of governments, or the department pursuant to subdivision (b), shall provide each city and county with data describing the assumptions and methodology used in calculating its share of the regional housing need. The department shall submit to each council of governments information regarding the assumptions and methodology to

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be used in allocating the regional share of the statewide housing need. As part of its determination of the regional share of the statewide housing need, the department shall provide each council of governments with data describing the assumptions and methodology used in calculating its share of the statewide housing need. The councils of governments shall provide each city and county with the department's information. The council of governments shall provide a subregion with its share of the regional housing need, and delegate responsibility for providing allocations to cities and a county or counties in the subregion to a subregional entity if this responsibility is requested by a county and all cities in the county, a joint powers authority established pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1, or the governing body of a subregional agency established by the council of governments, in accordance with an agreement entered into between the council of governments and the subregional entity that sets forth the process, timing, and other terms and conditions of that delegation of responsibility.

(b) For areas with no council of governments, the department shall determine housing market areas and define the regional housing need for cities and counties within these areas pursuant to the provisions for the distribution of regional housing needs in subdivision (a). If the department determines that a city or county possesses the capability and resources and has agreed to accept the responsibility, with respect to its jurisdiction, for the identification and determination of housing market areas and regional housing needs, the department shall delegate this responsibility to the cities and counties within these areas.

(c)(1) Within 90 days following a determination of a council of governments pursuant to subdivision (a), or the department's determination pursuant to subdivision (b), a city or county may propose to revise the determination of its share of the regional housing need in accordance with the considerations set forth in subdivision (a). The proposed revised share shall be based upon available data and accepted planning methodology, and supported by adequate documentation.

(2) Within 60 days after the time period for the revision by the city or county, the council of governments or the department, as the case may be, shall accept the proposed revision, modify its earlier determination, or indicate, based upon available data and accepted planning methodology, why the proposed revision is inconsistent with the regional housing need.

(A) If the council of governments or the department, as the case may be, does not accept the proposed revision, then the city or county shall have the right to request a public hearing to review the determination within 30 days.

(B) The city or county shall be notified within 30 days by certified mail, return receipt requested, of at least one public hearing regarding the determination.

(C) The date of the hearing shall be at least 30 days from the date of the notification.

(D) Before making its final determination, the council of governments or the department, as the case may be, shall consider comments, recommendations, available data, accepted planning methodology, and local geological and topographic restraints on the production of housing.

(3) If the council of governments or the department accepts the proposed revision or modifies its earlier determination, the city or county shall use that share. If the council of governments or the department grant a revised allocation pursuant to paragraph (1), the council of governments or the department shall ensure that the current total housing need is maintained. If the council of governments or department indicates that the proposed revision is inconsistent with the regional housing need, the city or county shall use the share which was originally determined by the council of governments or the department.

(4) The determination of the council of governments or the department, as the case may be, shall be subject to judicial review pursuant to Section 1094.5 of the Code of Civil Procedure.

(5) The council of governments or the department shall reduce the share of regional housing needs of a county if all of the following conditions are met:

(A) One or more cities within the county agree to increase its share or their shares in an amount which will make up for the reduction.

(B) The transfer of shares shall only occur between a county and cities within that county.

(C) The county's share of low-income and very low income housing shall be reduced only in proportion to the amount by which the county's share of moderate- and above moderate-income housing is reduced.

(D) The council of governments or the department, whichever assigned the county's share, shall have authority over the approval of the proposed reduction, taking into consideration the criteria of subdivision (a) * * *.

(6) The housing element shall contain an analysis of the factors and circumstances, with all supporting data, justifying the revision. All materials and data used to justify any revision shall be made available

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upon request by any interested party within seven days upon payment of reasonable costs of reproduction unless the costs are waived due to economic hardship.

(d)(1) Except as provided in paragraph (2), any ordinance, policy, or standard of a city or county that directly limits, by number, the building permits that may be issued for residential construction, or * * * limits for a set period of time the number of buildable lots that may be developed for residential purposes, shall not be a justification for a determination or a reduction in the share of a city or county of the regional housing need.

(2) Paragraph (1) does not apply to any city or county that imposes a moratorium on residential construction for a specified period of time in order to preserve and protect the public health and safety. If a moratorium is in effect, the city or county shall, prior to a revision pursuant to subdivision (c), adopt findings that specifically describe the threat to the public health and safety and the reasons why construction of the number of units specified as its share of the regional housing need would prevent the mitigation of that threat.

(e) Any authority to review and revise the share of a city or county of the regional housing need granted under this section shall not constitute authority to revise, approve, or disapprove the manner in which the share of the city or county of the regional housing need is implemented through its housing program.

(f) A fee may be charged interested parties for any additional costs caused by the amendments made to subdivision (c) by Chapter 1684 of the Statutes of 1984 reducing from 45 to seven days the time within which materials and data shall be made available to interested parties.

(g) Determinations made by the department, a council of governments, or a city or county pursuant to this section are exempt from the * * * California Environmental Quality Act, Division 13 (commencing with Section 21000) of the Public Resources Code.

(Amended by Stats.1998, c. 796 (A.B.438), § 4.)

Historical and Statutory Notes

1998 Legislation

For statement of legislative intent of Stats.1998, c.796, see Government Code § 65400.

Library References

Legal Jurisprudences

Cal Jur 3d Zon § 29.

Treatises and Practice Aids

Miller & Starr, Cal Real Estate 2d § 20:94.

Additional References

Planning For Affordable Housing: What Do the 90s Hold. 1 CEB Land Use Forum 9.

Significant new state legislation enacted in 1990. CEB Real Prop L Rep Vol. 14 No. 2 p 45.

§ 65584.3. Los Angeles county; cities without residentially zoned lands; adoption of housing element; transfer of tax increment funds for low- and moderate-income housing; use of funds

(a) A city that is incorporated to promote commerce and industry, that is located in the County of Los Angeles, and that has no residentially zoned land within its boundaries on January 1, 1992, may elect to adopt a housing element that makes no provision for new housing or the share of regional housing needs as determined pursuant to Section 65584 for the current and subsequent revisions of the housing element pursuant to Section 65588, for the period of time that 20 percent of all tax increment revenue accruing from all redevelopment projects, and required to be set aside for low- and moderate-income housing pursuant to Section 33334.2 of the Health and Safety Code, is annually transferred to the Housing Authority of the County of Los Angeles.

(b)(1) The amount of tax increment to be transferred each year pursuant to subdivision (a) shall be determined at the end of each fiscal year, commencing with the 1992-93 fiscal year. This amount shall be transferred within 30 days of the agency receiving each installment of its allocation of tax increment moneys, commencing in 1993.

(2) On or before December 31, 1992, the agency shall make an additional payment to the Housing Authority of the County of Los Angeles that eliminates any indebtedness to the low- and moderate-income housing fund pursuant to Section 33334.3. This amount shall be reduced by any amount actually expended by the redevelopment agency for principal or interest payments on agency bonds issued prior to the effective date of the act that adds this section, when that portion of the agency's tax increment revenue representing the low- and moderate-income housing set-aside funds was lawfully pledged as

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security for the bonds, and only to the extent that other tax increment revenue in excess of the 20-percent low- and moderate-income set-aside funds is insufficient in that fiscal year to meet in full the principal and interest payments.

(c) The Department of Housing and Community Development shall annually review the calculation and determination of the amount transferred pursuant to subdivisions (a) and (b). The department may conduct an audit of these funds if and when the Director of Housing and Community Development deems an audit appropriate.

(d) The amount transferred pursuant to subdivisions (a) and (b) shall fulfill the obligation of that city's redevelopment agency to provide for housing for low- and moderate-income families and individuals pursuant to Sections 33334.2 to 33334.16, inclusive, of the Health and Safety Code. The use of these funds for low- and moderate-income families in the region of the Southern California Association of Governments within which the city is located shall be deemed to be of benefit to the city's redevelopment project areas.

(e)(1) The amount transferred pursuant to subdivisions (a) and (b) to the Housing Authority of the County of Los Angeles shall be expended to provide housing and assistance, including, but not limited to, that specified in subdivision (e) of Section 33334.2 of the Health and Safety Code for low- and moderate-income families and individuals, in the region of the Southern California Association of Governments within which the city is located.

(2) Funds expended pursuant to this subdivision shall be expended in accordance with all of the following:

(A) The funds shall be expended for the construction of low- and moderate-income housing located no further than 15 miles from the nearest boundary line of the City of Industry.

(B) The low- and moderate-income housing constructed pursuant to this subdivision shall be in addition to any other housing required by the housing element of the general plan of the jurisdiction in which the low- and moderate-income housing is constructed.

(C) Funds may be encumbered by the Housing Authority of the County of Los Angeles for the purposes of this subdivision only after the authority has prepared a written plan for the expenditure of funds to be transferred to the authority pursuant to this subdivision and has filed a copy of this expenditure plan with the Department of Housing and Community Development.

(f) A city that meets the conditions specified in subdivision (d) shall continue to have responsibility for preparing a housing element pursuant to Section 65583 only to the extent to which the assessment of housing needs, statement of goals and objectives, and the five-year schedule of actions relate to the city's plan to maintain, preserve, and improve the housing that exists in the city on the effective date of the act which adds this section.

(g) This section shall not become operative unless and until a parcel of land, to be dedicated for the construction of a high school, is transferred pursuant to a written agreement between the City of Industry and the Pomona Unified School District, and a copy of this agreement is filed with the * * * County Clerk of the County of Los Angeles.

(Amended by Stats.1998, c. 829 (S.B.1652), § 32.)

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§ 65584.5

Operative Effect

Operation of section is contingent by its own terms.

Historical and Statutory Notes

Section 2 of Stats.1992, c. 1139 (S.B.1718), provides:

"The Legislature finds and declares that, due to the unique circumstances regarding the

County of Los Angeles addressed by this act, a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution."

§ 65584.5. Transfer of share of regional housing needs; cities or counties; requirements; limitations; procedures

(a) A city or county may transfer a percentage of its share of the regional housing needs to another city or county, if all of the following requirements are met:

(1) Both the receiving city or county and the transferring city or county comply with all of the conditions specified in subdivision (b).

(2) The council of governments or the department reviews the findings made pursuant to paragraph (2) of subdivision (c).

(3) The transfer does not occur more than once in a five-year housing element interval pursuant to subdivision (b) of Section 65588.

(4) The procedures specified in subdivision (c) are met.

(b)(1) Except as provided in paragraph (5) of subdivision (c) of Section 65584, a city or county transferring a share of its regional housing needs shall first have met, in the current or previous housing element cycle, at least 15 percent of its existing share of the region's affordable housing needs, as defined in Section 65584, in the very low and lower income category of income groups defined in Section 50052.5 of the Health and Safety Code if it proposes to transfer not more than 15 percent. In no event, however, shall the city or county transfer more than 500 dwelling units in a housing element cycle.

(2) A city or county shall transfer its regional housing needs in the same proportion by income group as the jurisdiction has met its regional housing needs.

(3) The transfer shall be only between jurisdictions that are contiguously situated or between a receiving city or county that is within 10 miles of the territory of the community of the donor city or county. If both the donor community and receiving community are counties, the donor county shall be adjacent to, in the same council of governments region as, and in the same housing market as, the receiving county. The sites on which any transferred housing units will be constructed shall be in the receiving city or county, and within the same housing market area as the jurisdiction of the donor city or county.

(4) The transferring and receiving city or county shall have adopted, and shall be implementing, a housing element in substantial compliance with Section 65583.

(5) The transferring city or county and the receiving city or county shall have completed, and provided to the department, the annual report required by subdivision (b) of Section 65400.

(c)(1) The donor city or county and the receiving city or county shall, at least 45 days prior to the transfer, hold a public hearing, after providing notice pursuant to Section 6062, to solicit public comments on the draft contract, including its terms, conditions, and determinations.

(2) The transferring and the receiving city or county shall do all of the following:

(A) Adopt a finding, based on substantial evidence on the record, that the transfer of the regional housing need pursuant to the terms of the agreement will not cause or exacerbate racial, ethnic, or economic segregation and will not create a detrimental financial impact upon the receiving city or county.

(B) Adopt a finding, based on substantial evidence on the record, that the transfer of the regional housing need will result in the construction of a greater number of similar type dwelling units than if the transfer does not occur.

(3)(A) The transferring city or county and the receiving city or county shall enter into an agreement to transfer units eligible under subdivision (b). A copy of this agreement shall be sent to the council of governments and the department to be kept on file for public examination.

(B) The agreement shall include a plan and schedule for timely construction of dwelling units, including, in addition to site identification, identification of and timeframes for applying for sufficient subsidy or mortgage financing if the units need a subsidy or mortgage financing, and a finding that sufficient services and public facilities will be provided.

(4) At least 60 days prior to the transfer, the receiving city or county planning agency and the transferring city or county planning agency shall submit to the department a draft amendment to reflect the identified transferred units. A transferring agency may reduce its housing needs only to the extent that it had not previously reduced its housing needs pursuant to paragraph (2) of subdivision (b) of Section 65583. A county planning agency that has its share of the regional housing need reduced pursuant to paragraph (5) of subdivision (c) of Section 65584 shall comply with this section. A receiving city or county shall, in addition to any other provisions of the article, identify in its housing element sufficient sites to meet its initial low- and moderate-income housing needs and sufficient sites to meet all transferred housing needs.

(5) The department shall review the draft amendment and report its written findings to the planning agency within 45 days of its receipt.

(6) The department's review shall follow the same procedure, requirements, and responsibilities of Sections 65583, 65585, 65587, and 65589.3. The court shall consider any written findings submitted by the department.

(d) No transfer made pursuant to this section shall affect the plans for a development that have been submitted to a city or county for approval 45 days prior to the adoption of the amendment to the housing element.

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(e) No transfer made pursuant to this section shall be counted toward any ordinance or policy of a locality that specifically limits the number of units that may be constructed.

(f) The Attorney General or any other interested person shall have authority to enforce the terms of the agreement and the provisions of this section.

(g) For a period of five years after the transfer occurs, the report required by subdivision (b) of Section 65400 shall include information on the status of transferred units, implementation of the terms and conditions of the transfer contract, and information on any dwelling units actually constructed, including the number, type, location, and affordability requirements in place for these units.

(h)(1) At least 60 days prior to the proposed transfer, the donor city or county shall submit the proposed agreement to the council of governments, or to the department if there is no council of governments that serves the city or county, for review. The governing board of the council or the director shall determine whether there is substantial evidence to support the terms, conditions, and determinations of the agreement and whether the agreement complies with the substantive and procedural requirements of this section. If the council or the director finds that there is substantial evidence to support the terms, conditions, and determinations of the agreement, and that the agreement complies with the substantive and procedural requirements of this section, the participating jurisdictions may proceed with the agreement. If the governing board or the director finds that there is not substantial evidence to support the terms, conditions, and findings of the agreement, or that the agreement does not comply with the substantive and procedural requirements of this section, the board or the director may make recommendations for revising or terminating the agreement. The participating jurisdictions shall then include those revisions, if any, or terminate the agreement.

(2) The council or the director may convene a committee to advise the council or the director in conducting this review. The donor city or county and the receiving community shall pay the council's or the department's costs associated with the committee. Neither the donor city or county, nor the receiving city or county, may expend moneys in its Low and Moderate Income Housing Fund of its redevelopment agency for costs associated with the committee.

(3) Membership of the committee appointed pursuant to paragraph (2) shall include all of the following:

- (A) One representative appointed by the director.
- (B) One representative appointed by the donor agency.
- (C) One representative appointed by the receiving community.
- (D) Two low- and moderate-income housing advocates, appointed by the director, who represent those persons in that region.

(i)(1) The receiving city or county shall construct the housing units within three years of the date that the transfer contract is entered into pursuant to this

section. This requirement shall be met by documenting that a building permit has been issued and all fees have been paid.

(2) Any portion of a regional share allocation that is transferred to another jurisdiction, and that is not constructed within the three-year deadline set forth in paragraph (1), shall be reallocated by the council of governments to the transferring city or county, and the transferring city or county shall modify its zoning ordinance, if necessary, and amend its housing element to reflect the reallocated units.

(3) If, at the end of the five-year housing element planning period, any portion of a regional share allocation that is transferred to another jurisdiction is not yet constructed, the council of governments shall add the unbuilt units to the normal regional fair share allocation and reallocate that amount to either of the following:

(A) The receiving city, if the three-year deadline for construction has not yet occurred; or

(B) The transferring city, if the three-year deadline for construction has occurred.

(4) If the transferred units are not constructed within three years, the nonperforming jurisdictions participating in the transfer of regional share allocations shall be precluded from transferring their regional shares, pursuant to this section, for the planning period of the next periodic update of the housing element.

(j) On or after January 1, 2000, no transferring city or county shall enter into an agreement pursuant to this section unless a later enacted statute, which is enacted before January 1, 2000, deletes or extends that date.

(k) If Article XXXIV of the California Constitution is applicable, the receiving city or county shall certify that it has sufficient authority under Article XXXIV of the California Constitution to allow development of units transferred pursuant to this section.

(l) The receiving city or county shall not, within three years of the date of the transfer agreement entered into pursuant to this section, or until transferred units are constructed, whichever is longer, enter into a contract to transfer units outside the territorial jurisdiction of the agency pursuant to this section.

(m) Communities that have transferred a portion of their share of the regional housing need to another city or county pursuant to this section shall comply with all other provisions of law for purposes of meeting the remaining regional housing need not transferred, including compliance with the provisions of Section 65589.5.

(n) As used in this section, "housing market area" means the area determined by a council of governments or the department pursuant to Section 65584, and based upon market demand for housing, employment opportunities, the availability of suitable sites and public facilities, and commuting patterns.

(o) This section shall not be construed to interfere with the right of counties to transfer shares of regional housing needs pursuant to paragraph (5) of subdivision (c) of Section 65584.

(Added by Stats.1994, c. 1235 (A.B.51), § 2.)

Historical and Statutory Notes

Section 1 of Stats.1996, c. 1018 (A.B.3452), provides:

"Section 1. The Legislature finds and declares all of the following:

"(a) In order to fulfill the purposes of Sections 65583 and 65584, housing should be developed in the jurisdictions to which the housing need is allocated.

"(b) Due to circumstances unique to Napa County, and in order to provide additional and new housing for low- and moderate-income households, the county may meet a portion of its fair share housing needs allocation in one or more cities only within the county.

"(c) Among the circumstances making it appropriate for Napa County to undertake this authority are both of the following:

"(1) The county has 35,000 acres of world-famous vineyards and unincorporated area. The county's tourism industry relies on the vineyards and devotes its significant economic interests on those vineyards.

"(2) The county has adopted a Housing Trust Fund program for residential development and a fee on industrial, commercial, and viticultural development in its unincorporated areas. The Housing Trust Fund currently generates approximately five hundred fifty thousand dollars (\$550,000) per year to further affordable goals and strategies of the county's general plan, and these moneys can be effectively invested in partnership with the cities in the county in order to address affordable housing needs of county residents."

§ 65585. Draft element or amendment; submission, review and report; adoption by legislative body; review by department and report to planning agency

(a) In the preparation of its housing element, each city and county shall consider the guidelines adopted by the department pursuant to Section 50459 of the Health and Safety Code. Those guidelines shall be advisory to each city or county in the preparation of its housing element.

(b) At least 90 days prior to adoption of its housing element, or at least 45 days prior to the adoption of an amendment to this element, the planning agency shall submit a draft element or draft amendment to the department. The department shall review the draft and report its written findings to the planning agency within 90 days of its receipt of the draft in the case of an adoption or within 45 days of its receipt in the case of a draft amendment.

(c) In the preparation of its findings, the department may consult with any public agency, group, or person. The department shall receive and consider any written comments from any public agency, group, or person regarding the draft or adopted element or amendment under review.

(d) In its written findings, the department shall determine whether the draft element or draft amendment substantially complies with the requirements of this article.

(e) Prior to the adoption of its draft element or draft amendment, the legislative body shall consider the findings made by the department. If the department's findings are not available within the time limits set by this section, the legislative body may act without them.

(f) If the department finds that the draft element or draft amendment does not substantially comply with the requirements of this article, the legislative body shall take one of the following actions:

(1) Change the draft element or draft amendment to substantially comply with the requirements of this article.

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(2) Adopt the draft element or draft amendment without changes. The legislative body shall include in its resolution of adoption written findings which explain the reasons the legislative body believes that the draft element or draft amendment substantially complies with the requirements of this article despite the findings of the department.

(g) Promptly following the adoption of its element or amendment, the planning agency shall submit a copy to the department.

(h) The department shall, within 120 days, review adopted housing elements or amendments and report its findings to the planning agency.

(Added by Stats.1980, c. 1143, p. 3697, § 3. Amended by Stats. 1983, c. 1250, § 2, eff. Sept. 30, 1983, operative Jan. 1, 1984; Stats.1984, c. 1009, § 20.5; Stats.1990, c. 1441 (S.B.2274), § 5.)

Historical and Statutory Notes

Section 43 of Stats.1984, c. 1009, provides, in part:

"The amendment made to Section 65585 of the Government Code by this act does not constitute a change in, but is declaratory of, existing law."

Legislative intent relating to Stats.1984, c. 1009, see Historical and Statutory Notes under Educ.C. § 39002.

Cross References

Mather Air Force Base Redevelopment Project Area, special requirements, see Health and Safety Code § 33492.61.

§ 65585.1. Self-certification; pilot project; San Diego Association of Governments; low income housing units; maximum number; criteria; reports

(a) The San Diego Association of Governments (SANDAG), if it approves a resolution agreeing to participate in the self-certification process, and in consultation with the cities and county within its jurisdiction, its housing element advisory committee, and the department, shall work with a qualified consultant to determine the maximum number of housing units that can be constructed, acquired, rehabilitated, and preserved as defined in paragraph (11) of subdivision (e) of Section 33334.2 of the Health and Safety Code, and the maximum number of units or households that can be provided with rental or ownership assistance, by each jurisdiction during the third and fourth housing element cycles to meet the existing and future housing needs for low and very low income households as defined in Sections 50079.5, 50093, and 50105 of the Health and Safety Code, and extremely low income households. The methodology for determining the maximum number of housing units that can be provided shall include a recognition of financial resources and regulatory measures that local jurisdictions can use to provide additional affordable lower income housing. This process is intended to identify the available resources that can be used to determine the maximum number of housing units each jurisdiction can provide. The process acknowledges that the need to produce housing for low, very low, and extremely low income households may exceed available resources. The department and SANDAG, with input from its housing element advisory committee, the consultant, and local jurisdictions, shall

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(e) This section shall become inoperative on June 30, 2009, and as of January 1, 2010, is repealed, unless a later enacted statute, which is enacted before January 1, 2010, deletes or extends that date.

(Added by Stats.1995, c. 589 (A.B.1715), § 2.)

¹ So in chaptered copy.

Inoperative Date and Repeal

This section becomes inoperative on June 30, 2009, and is repealed by its own terms on Jan. 1, 2010.

Historical and Statutory Notes

Section 1 of Stats.1995, c. 589 (A.B.1715), provides:

"The Legislature hereby finds and declares all of the following:

"(a) That the San Diego Association of Governments, the council of governments in the San Diego region, serving as the Regional Planning and Growth Management Review Board, has adopted a Regional Growth Management Strategy, based on a voter-approved measure, that contains a regional housing element consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7 of the Government Code.

"(b) That the Regional Growth Management Strategy has provided a program for measuring local government housing needs performance.

"(c) That for this reason the San Diego region is uniquely suited to undertake a pilot program authorizing the local governments within the jurisdiction of the San Diego Association of Governments, in conjunction with the council of governments, the housing element advisory committee, and the Department of Housing and Community Development to establish performance standards for self-certification, and, if eligible, to self-certify compliance of their adopted housing elements or amendments in accordance with the criteria for self-certification."

§ 65586. Time within which housing elements must conform to guidelines and this article

Local governments shall conform their housing elements to the provisions of this article on or before October 1, 1981. Jurisdictions with housing elements adopted before October 1, 1981, in conformity with the housing element guidelines adopted by the Department of Housing and Community Development on December 7, 1977, and located in Subchapter 3 (commencing with Section 6300) of Chapter 6 of Part 1 of Title 25 of the California Administrative Code,¹ shall be deemed in compliance with this article as of its effective date. A locality with a housing element found to be adequate by the department before October 1, 1981, shall be deemed in conformity with these guidelines.

(Added by Stats.1980, c. 1143, p. 3697, § 3.)

¹ Repealed 1982.

§ 65587. Housing element deadline; extensions; actions for review of conformity; time for compliance

(a) Each city, county, or city and county shall bring its housing element, as required by subdivision (c) of Section 65302, into conformity with the requirements of this article on or before October 1, 1981, and the deadlines set by Section 65588. Except as specifically provided in subdivision (b) of Section 552

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65361, the Director of Planning and Research shall not grant an extension of time from these requirements.

(b) Any action brought by any interested party to review the conformity with the provisions of this article of any housing element or portion thereof or revision thereto shall be brought pursuant to Section 1085 of the Code of Civil Procedure; the court's review of compliance with the provisions of this article shall extend to whether the housing element or portion thereof or revision thereto substantially complies with the requirements of this article.

(c) If a court finds that an action of a city, county, or city and county, which is required to be consistent with its general plan, does not comply with its housing element, the city, county, or city and county shall bring its action into compliance within 60 days. However, the court shall retain jurisdiction throughout the period for compliance to enforce its decision. Upon the court's determination that the 60-day period for compliance would place an undue hardship on the city, county, or city and county, the court may extend the time period for compliance by an additional 60 days.

(Added by Stats.1980, c. 1143, p. 3697, § 3. Amended by Stats.1982, c. 1355, § 1; Stats.1982, c. 1438, § 1; Stats.1984, c. 1009, § 21; Stats.1990, c. 1441 (S.B.2274), § 6.)

Historical and Statutory Notes

Amendment of this section by § 1.5 of Stats. 1982, c. 1355, failed to become operative under the provisions of § 4 of that Act.

Section affected by two or more acts at the same session of the legislature, see Government Code § 9605.

Section 44 of Stats.1984, c. 1009, provides:

"It is the intent of the Legislature that the term 'substantially complies,' as used in subdivi-

sion (b) of Section 65587, be given the same interpretation as was given that term by the court in *Camp v. Board of Supervisors*, 123 Cal.App.3d 334, 348."

Legislative intent relating to Stats.1984, c. 1009, see Historical and Statutory Notes under Educ.C. § 39002.

Law Review and Journal Commentaries

Marina Point, Ltd. v. Wolfson: Discrimination in rental housing against families with children. 71 Cal.L.Rev. 1324 (1983).

Why our fair share housing laws fail. Ben Field, Santa Clara L.Rev. 35 (1993).

Notes of Decisions

Review, generally 1
Substantial compliance 2

1. Review, generally

Question of whether housing element of local government's general plan for physical development substantially complies with governing statutes is one of law, which appellate court reviews independently. *Black Property Owners Ass'n v. City of Berkeley* (App. 1 Dist. 1994) 28 Cal.Rptr.2d 305, 22 Cal.App.4th 974, review denied.

Judicial review of housing element of municipality's physical development plan for substantial compliance with statutory requirements does not involve examination of merits of element or of wisdom of municipality's determina-

tion of policy; if municipality has substantially complied with statutory requirements, reviewing court will not interfere with municipality's legislative action in updating or amending elements of its general plan, unless action was arbitrary or capricious or entirely lacking in evidentiary support. *Black Property Owners Ass'n v. City of Berkeley* (App. 1 Dist. 1994) 28 Cal.Rptr.2d 305, 22 Cal.App.4th 974, review denied.

2. Substantial compliance

Housing element's "substantial compliance" with statutes regulating housing element of local government's general plan for physical development means actual compliance with respect to substance essential to every reasonable objective of statutes, as distinguished from simple technical imperfections of form. *Black*

553 *Property Owners Ass'n v. City of Berkeley* (App. 1 Dist. 1994) 28 Cal.Rptr.2d 305, 22 Cal.App.4th 974, review denied.

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Note 2

§ 65587. Housing element deadline; extensions; actions for review of conformity; time for compliance

Notes of Decisions

2. Substantial compliance

Adoption and revision of housing elements in general municipal zoning plans are legislative acts reviewed pursuant to Code of Civil Procedure; initial review is to determine whether the housing element "substantially complies" with section of the Planning and Zoning Law; "substantial compliance" means actual compliance with respect to the substance essential to every reasonable objective of the statute, as distinguished from simple technical imperfections of form. *Hoffmaster v. City of San Diego* (App. 4 Dist. 1997) 64 Cal.Rptr.2d 684, 55 Cal.App.4th 1098, rehearing denied, review denied.

In determining whether housing element of city general zoning plan substantially complies with section of the Planning and Zoning Law, Court of Appeal does not examine merits of the element or municipality's underlying wisdom in determining policy; rather, if municipality has substantially complied with statutory requirements, reviewing court will not interfere with municipality's legislative action in updating or amending elements of its general plan, unless the action was arbitrary or capricious or entirely lacking in evidentiary support. *Hoffmaster v. City of San Diego* (App. 4 Dist. 1997) 64 Cal.Rptr.2d 684, 55 Cal.App.4th 1098, rehearing denied, review denied.

Additions or changes indicated by underline; deletions by asterisks * * *

§ 65587.1
Repealed

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§ 65587.1. Repealed by Stats.1998, c. 689 (S.B.1362), § 2

Historical and Statutory Notes

1998 Legislation

Legislative findings, declarations and intent relating to Stats.1998, c. 689, see Historical and Statutory Notes under Education Code § 17621.

§ 65588. Review and revision

(a) Each local government shall review its housing element as frequently as appropriate to evaluate all of the following:

(1) The appropriateness of the housing goals, objectives, and policies in contributing to the attainment of the state housing goal.

(2) The effectiveness of the housing element in attainment of the community's housing goals and objectives.

(3) The progress of the city, county, or city and county in implementation of the housing element.

(b) The housing element shall be revised as appropriate, but not less than every five years, to reflect the results of this periodic review.

In order to facilitate effective review by the department of housing elements, the following local governments shall prepare and adopt the first two revisions of their housing elements no later than the dates specified in the following schedule, notwithstanding the date of adoption of the housing elements in existence * * * on June 20, 1984.

(1) Local governments within the regional jurisdiction of the Southern California Association of Governments: July 1, 1984, for the first revision and July 1, 1989, for the second revision.

(2) Local governments within the regional jurisdiction of the Association of Bay Area Governments: January 1, 1985, for the first revision, and July 1, 1990, for the second revision.

(3) Local governments within the regional jurisdiction of the San Diego Association of Governments, the Council of Fresno County Governments, the Kern County Council of Governments, the Sacramento Area Council of Governments, and the Association of Monterey Bay Area Governments: July 1, 1985, for the first revision, and July 1, 1991, for the second revision.

(4) All other local governments: January 1, 1986, for the first revision, and July 1, 1992, for the second revision.

(5) Subsequent revisions shall be completed not less often than at five-year intervals following the second revision.

(c) The review and revision of housing elements required by this section shall take into account any low- or moderate-income housing provided or required pursuant to Section 65590.

(d) The review pursuant to subdivision (c) shall include, but need not be limited to, the following:

(1) The number of new housing units approved for construction within the coastal zone after January 1, 1982.

(2) The number of housing units for persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code, required to be provided in new housing developments either within the coastal zone or within three miles of the coastal zone pursuant to Section 65590.

(3) The number of existing residential dwelling units occupied by persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code, that have been authorized to be demolished or converted since January 1, 1982, in the coastal zone.

(4) The number of residential dwelling units for persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code, that have been required for replacement or authorized to be converted or demolished as identified in paragraph (3). The location of the replacement units, either onsite, elsewhere within the locality's jurisdiction within the coastal zone, or within three miles of the coastal zone within the locality's jurisdiction, shall be designated in the review.

(e) Notwithstanding the requirements of paragraph (5) of subdivision (b), the dates of revisions for the housing element shall be modified upon the effective date of this provision as follows:

(1) Local governments within the regional jurisdiction of the Southern California Association of Governments: June 30, 2000, for the third revision, and June 30, 2005, for the fourth revision.

Additions or changes indicated by underline; deletions by asterisks * * *

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(2) Local governments within the regional jurisdiction of the Association of Bay Area Governments: June 30, 2001, for the third revision, and June 30, 2006, for the fourth revision.

(3) Local governments within the regional jurisdiction of the Council of Fresno County Governments, the Kern County Council of Governments, the Sacramento Area Council of Governments, and the Association of Monterey Bay Area Governments: June 30, 2002, for the third revision, and June 30, 2007, for the fourth revision.

(4) Local governments within the regional jurisdiction of the San Diego Association of Governments: December 31, 1999, for the third revision cycle ending June 30, 1999, and June 30, 2004, for the fourth revision.

(5) All other local governments: June 30, 2003, for the third revision, and June 30, 2008, for the fourth revision.

(6) Subsequent revisions shall be completed not less often than at five-year intervals following the fourth revision.

(Amended by Stats.1997, c. 580 (S.B.320), § 3.3; Stats.1998, c. 819 (S.B.256), § 1; Stats.1999, c. 107 (A.B.411), § 1, eff. July 13, 1999.)

Historical and Statutory Notes

1999 Legislation

Stats.1999, c. 107, substituted "June 20, 1984" for "the effective date of the act which amended this section

during the 1983-84 Session of the Legislature" in subd. (b) and substituted "December 31, 1999, for the third revision cycle ending June 30, 1999," for "June 30, 1999, for the third revision," in subd. (e)(4).

Library References

Legal Jurisprudences

Cal Jur 3d Zon § 28.

Treatises and Practice Aids

Miller & Starr, Cal Real Estate 2d § 20:94.

Additional References

Planning For Affordable Housing: What Do the 90s Hold. 1 CEB Land Use Forum 9.

§ 65588.1. Planning period extension

(a) The planning period of existing housing elements prepared pursuant to subdivision (b) of Section 65588 shall be extended through June 30 of the year of the housing element due date prescribed in subdivision (e) of Section 65588. Local governments shall continue to implement the housing program of existing housing elements and the annual review pursuant to Section 65400.

(b) The extension provided in this section shall not limit the existing responsibility under subdivision (b) of Section 65588 of any jurisdiction to adopt a housing element in conformance with this article.

(c) It is the intent of the Legislature that nothing in this section shall be construed to reinstate any mandates pursuant to Chapter 1143 of the Statutes of 1980 suspended by the Budget Act of 1993-94.

(Added by Stats.1993, c. 695 (A.B.2172), § 2.)

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Repealed

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§ 65588.5. Repealed by Stats.1993, c. 437 (A.B.1678), § 4, eff. Sept. 24, 1993

Historical and Statutory Notes

The repealed section, added by Stats.1991, c. 889 (S.B.1019), § 3, related to submission to the department of a copy of the report required by § 65400.

§ 65589. Construction of article

(a) Nothing in this article shall require a city, county, or city and county to do any of the following:

(1) Expend local revenues for the construction of housing, housing subsidies, or land acquisition.

(2) Disapprove any residential development which is consistent with the general plan.

(b) Nothing in this article shall be construed to be a grant of authority or a repeal of any authority which may exist of a local government to impose rent controls or restrictions on the sale of real property.

(c) Nothing in this article shall be construed to be a grant of authority or a repeal of any authority which may exist of a local government with respect to measures that may be undertaken or required by a local government to be undertaken to implement the housing element of the local general plan.

(d) The provisions of this article shall be construed consistent with, and in promotion of, the statewide goal of a sufficient supply of decent housing to meet the needs of all Californians.

(Added by Stats.1980, c. 1143, p. 3697, § 3.)

Library References

Counties Ⓒ21½.

Municipal Corporations Ⓒ57.

WESTLAW Topic Nos. 104, 268.

C.J.S. Counties § 40.

C.J.S. Municipal Corporations § 106 et seq.

§ 65589.3. Rebuttable presumption of validity of element or amendment in action to challenge housing element

In any action filed on or after January 1, 1991, taken to challenge the validity of a housing element, there shall be a rebuttable presumption of the validity of the element or amendment if, pursuant to Section 65585, the department has found that the element or amendment substantially complies with the requirements of this article.

(Added by Stats.1990, c. 1441 (S.B.2274), § 7.)

§ 65589.5. Housing development projects affordable to very low, low, or moderate income households; disapproval; conditions

(a) The Legislature finds all of the following:

(1) The lack of affordable housing is a critical problem which threatens the economic, environmental, and social quality of life in California.

(2) California housing has become the most expensive in the nation. The excessive cost of the state's housing supply is partially caused by activities and policies of many local governments which limit the approval of affordable housing, increase the cost of land for affordable housing, and require that high fees and exactions be paid by producers of potentially affordable housing.

(3) Among the consequences of those actions are discrimination against low-income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration.

(4) Many local governments do not give adequate attention to the economic, environmental, and social costs of decisions which result in disapproval of affordable housing projects, reduction in density of affordable housing projects, and excessive standards for affordable housing projects.

(b) It is the policy of the state that a local government not reject or make infeasible affordable housing developments which contribute to meeting the housing need determined pursuant to this article without a thorough analysis of the economic, social, and environmental effects of the action and without meeting the provisions of subdivision (d).

(c) The Legislature also recognizes that premature and unnecessary development of agricultural lands to urban uses continues to have adverse effects on the availability of those lands for food and fiber production and on the economy of the state. Furthermore, it is the policy of the state that development should be guided away from prime agricultural lands; therefore, in implementing this section, local jurisdictions should encourage, to the maximum extent practicable, in filling existing urban areas.

(d) A local agency shall not disapprove a housing development project affordable to very low, low- or moderate-income households or condition approval in a manner which renders the project infeasible for development for the use of very low, low- or moderate-income households unless it * * * makes written findings, based upon substantial evidence * * * in the record, as to one of the following:

Additions or changes indicated by underline; deletions by asterisks * * *

(1) The jurisdiction has adopted a housing element pursuant to this article that has been revised in accordance with Section 65588 and that is in substantial compliance with this article, and the development project is not needed for the jurisdiction to meet its share of the regional housing need * * * for very low, low-, or moderate-income housing.

(2) The development project as proposed would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, * * * based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(3) The denial of the project or imposition of conditions is required in order to comply with specific state or federal law, and there is no feasible method to comply without rendering the development unaffordable to low- and moderate-income households.

(4) Approval of the development project would increase the concentration of lower income households in a neighborhood that already has a disproportionately high number of lower income households and there is no feasible method of approving the development at a different site, including those sites identified pursuant to paragraph (1) of subdivision (c) of Section 65583, without rendering the development unaffordable to low- and moderate-income households.

(5) The development project is proposed on land zoned for agriculture or resource preservation which is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or which does not have adequate water or wastewater facilities to serve the project.

(6) The development project is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete, and the jurisdiction has adopted a housing element pursuant to this article.

(e) Nothing in this section shall be construed to relieve the local agency from complying with the Congestion Management Program required by Chapter 2.6 (commencing with Section 65088) of Division 1 of Title 7 or the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code). Neither shall anything in this section be construed to relieve the local agency from making one or more of the findings required pursuant to Section 21081 of the Public Resources Code or otherwise complying with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(f) Nothing in this section shall be construed to prohibit a local agency from requiring the development project to comply with written development standards, conditions, and policies appropriate to, and consistent with, meeting the quantified objectives relative to the development of housing, as required in the housing element pursuant to subdivision (b) of Section 65583. * * * Nothing in this section shall be construed to prohibit a local agency from imposing fees and other exactions otherwise authorized by law which are essential to provide necessary public services and facilities to the development project.

(g) This section shall be applicable to charter cities * * * because the Legislature finds that the lack of affordable housing is a critical statewide problem.

(h) The following definitions apply for the purposes of this section:

(1) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

(2) "Affordable to * * * very low, low-, or moderate-income households" means that either (A) at least 20 percent of the total units shall be sold or rented to lower income households, as defined in Section 50079.5 of the Health and Safety Code, * * * or (B) 100 percent of the units shall be sold or rented to * * * moderate-income households * * * as defined in Section 50093 of the Health and Safety Code, or middle-income households, as defined in Section 65008 of this code. Housing units targeted for lower income households shall be made available at a monthly housing cost that does not exceed 30 percent of 60 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the lower income eligibility limits are based. Housing units targeted for persons and families of moderate income shall be made available at a monthly housing cost that does not exceed 30 percent of 100 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the moderate income eligibility limits are based.

(3) "Area median income" shall mean area median income as periodically established by the Department of Housing and Community Development pursuant to Section 50093 of the Health and Safety Code. The developer shall provide sufficient legal commitments to ensure continued availability of units for * * * very low or low-income households in accordance with the provisions of this subdivision for 30 years.

(4) "Neighborhood" means a planning area commonly identified as such in a community's planning documents, and identified as a neighborhood by the individuals residing and working within the neighborhood. Documentation demonstrating that the area meets the definition of neighborhood may include a map prepared for planning purposes which lists the name and boundaries of the neighborhood.

(5) "Disapprove the development project" includes any instance in which a local agency does either of the following:

(A) Votes on a proposed housing development project application and the application is disapproved.

(B) Fails to comply with the time periods specified in subparagraph (B) of paragraph (1) of subdivision (a) of Section 65950. An extension of time pursuant to Article 5 (commencing with Section 65950) shall be deemed to be an extension of time pursuant to this paragraph.

(i) If any city, county, or city and county denies approval or imposes restrictions, including a reduction of allowable densities or the percentage of a lot which may be occupied by a building or structure under the applicable planning and zoning in force at the time the application is deemed complete pursuant to Section 65943, which have a substantial adverse effect on the viability or affordability of a housing development affordable to * * * very low, low-, or moderate-income households, and the denial of the development or the imposition of restrictions on the development is the subject of a court action which challenges the denial, then the burden of proof shall be on the local legislative body to show that its decision is consistent with the findings as described in subdivision (d) and that the findings are supported by substantial evidence in the record.

(j) When a proposed housing development project complies with * * * applicable, objective general plan and zoning * * * standards and criteria in effect at the time that the housing development project's application is determined to be complete, but the local agency proposes to disapprove the project or to approve it upon the condition that the project be developed at a lower density, the local agency shall base its decision regarding the proposed housing development project upon written findings supported by substantial evidence on the record that both of the following conditions exist:

(1) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, * * * based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(2) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

(k) If in any action brought to enforce the provisions of this section, a court finds that the local agency disapproved a project or conditioned its approval in a manner rendering it infeasible for the development of very low, low-, or moderate-income households without properly making the findings required by this section or without making sufficient findings supported by substantial evidence, the court shall issue an order or judgment compelling compliance with this section within 60 days, including, but not limited to, an order that the local agency take action on the development project. The court shall retain jurisdiction to ensure that its order or judgment is carried out. If the court determines that its order or judgment has not been carried out within 60 days, the court may issue further orders as provided by law to ensure that the purposes and policies of this section are fulfilled.

(l) In any action, the record of the proceedings before the local agency shall be filed as expeditiously as possible and, notwithstanding Section 1094.6 of the Code of Civil Procedure, all or part of the record may be filed (1) by the petitioner with the petition or petitioner's points and authorities, (2) by the respondent with respondent's points and authorities, (3) after payment of costs by the petitioner, or (4) as otherwise directed by the court. If the expense of preparing the record has been borne by the petitioner and the petitioner is the prevailing party, the expense shall be taxable as costs.

(Amended by Stats.1999, c. 968 (S.B.948), § 6.)

Historical and Statutory Notes

1999 Legislation

Section 2 of Stats.1999, c. 966 (A.B.919), provides:

"Section 1 of this act [amending § 65589.5] shall not become operative if SB 948 [Stats.1999, c. 968] is enacted and becomes effective on or before January 1, 2000."

Library References

Treatises and Practice Aids

Witkin, Summary (9th ed) Const Law §§ 828, 832.

Witkin, Summary (9th ed) Real Prop § 60.

Additions or changes indicated by underline; deletions by asterisks * * *

§ 65589.5

GOVERNMENT CODE

Miller & Starr, Cal Real Estate 2d §§ 20:93, 20:97, 20:107, 20:124.

Forms

B-W Cal Civil Practice: Real Property Litigation § 14:37.

Additional References

Affordable Housing & Growth Management. 1 CEB Land Use Forum 12.

Affordable housing: an attorney's guide to key issues and governing statutes (Part I). 16 CEB Real Prop L Rep 329.

Significant new state legislation enacted in 1990. CEB Real Prop L Rep Vol. 14 No. 2 p 45.

Notes of Decisions

Findings 3

3. Findings

Municipal electorate's referendum rejection of proposed specific development plan and general plan amendment was not invalid on ground it failed to make findings, based on substantial evidence, that plan would have an adverse impact on public health or safety, and that no alternative

method of satisfactorily mitigating or avoiding the impact existed; statute requiring such findings concerns planning agency's consideration of a housing development project and was not applicable; moreover, burdensome statutory requirements mandating that legislative body make findings to support its decision need not be satisfied when legislation is enacted by electorate via initiative or referendum. *Chandis Securities Co. v. City of Dana Point* (App. 4 Dist. 1996) 60 Cal.Rptr.2d 481, 52 Cal.App.4th 475, review denied.

§ 65589.6. Burden of proof; conformance to conditions in § 65589.5

In any action taken to challenge the validity of a decision by a city, county, or city and county to disapprove a project or approve a project upon the condition that it be developed at a lower density pursuant to Section 65589.5, the city, county, or city and county shall bear the burden of proof that its decision has conformed to all of the conditions specified in Section 65589.5.

(Added by Stats.1984, c. 1104, § 1.)

Library References

Evidence §90, 97.
WESTLAW Topic No. 157.
C.J.S. Evidence §§ 103 to 106.

LOCAL PLANNING**§ 65589.8****Div. 1****§ 65589.7. Delivery of housing element to public agencies or private entities providing water or sewer services; priority for services**

(a) The housing element adopted by the legislative body and any amendments made to that element shall be delivered to all public agencies or private entities that provide water services at retail or sewer services within the territory of the legislative body. When allocating or making plans for the allocation of available and future resources or services designated for residential use, each public agency or private entity providing water services at retail or sewer services, shall grant a priority for the provision of these available and future resources or services to proposed housing developments which help meet the city's, county's, or city and county's share of the regional housing need for lower income households as identified in the housing element adopted by the legislative body and any amendments made to that element.

(b) This section is intended to neither enlarge nor diminish the existing authority of a city, county or city and county in adopting a housing element. Failure to deliver a housing element adopted by the legislative body or amendments made to that element, to a public agency or private entity providing water services at retail or sewer services shall not invalidate any action or approval of a development project. The special districts which provide water services at retail or sewer services related to development, as defined in subdivision (e) of Section 56426, are included within this section.

(c) As used in this section, "water services at retail" means supplying water directly to the end user or consumer of that water, and does not include sale by a water supplier to another water supplier for resale.

(Added by Stats.1991, c. 889 (S.B.1019), § 4. Amended by Stats.1992, c. 1356 (S.B. 1711), § 2.)

Historical and Statutory Notes

Stats.1991, c. 889 (S.B.1019), § 5, provides: applicable upon the next amendment or periodic review of the housing element by the legislative body.
 "The additional requirements and duties created by Sections 1, 2, and 4 of this act shall be

Law Review and Journal Commentaries

Review of selected 1992 California legislation.
 24 Pac.L.J. 932 (1993).

§ 65589.8. Fixed percentage of affordable housing units; satisfaction of requirement by construction of rental housing at affordable monthly rents

A local government which adopts a requirement in its housing element that a housing development contain a fixed percentage of affordable housing units, shall permit a developer to satisfy all or a portion of that requirement by constructing rental housing at affordable monthly rents, as determined by the local government.

Nothing in this section shall be construed to expand or contract the authority of a local government to adopt an ordinance, charter amendment, or policy

§ 65589.8

PLANNING AND ZONING

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requiring that any housing development contain a fixed percentage of affordable housing units.

(Added by Stats. 1983, c. 787, § 1.)

Library References

Constitutional Law ☞228.3, 278.3.

WESTLAW Topic No. 92.

C.J.S. Constitutional Law §§ 936, 1270.

Housing Element

Background

State law declares that housing is an issue of state-wide concern.¹ Although the housing element had already been a component of mandated general plans, the Legislature made the housing element expressly mandatory in 1967, requiring local governments to adopt housing elements by January 1969. While the statute did not initially include detailed content requirements, housing element guidelines were published by State Department of Housing and Community Development (HCD) in 1970, and guidelines were adopted in 1971.

In 1975, HCD was authorized to review and comment on local housing elements and directed to formally adopt housing element guidelines. The prior guidelines

were revised to require increased detail with regard to the content of local housing elements. The guidelines became the subject of controversy over whether they were advisory or binding upon cities and counties. The Legislature resolved the controversy in 1980 by enacting provisions of the housing element guidelines as statutory requirements, and by requiring cities and counties to consider the department's findings prior to adopting the element. All housing elements were to conform with the provisions of State law by October 1, 1981; a geographically-staggered housing element update cycle has been in effect since 1984 pursuant to Government Code Section 65588.

Several amendments regarding the content of local housing elements have been enacted since that time (requiring analyses of the special needs of homeless individuals and families, units at risk of converting to non-low-income uses, etc.). Legislative amendments

¹ In addition to Government Code, Article 10.6, see, for example, Health & Safety Code Sections 33250, 5001-5004, 5010; Stats. 1984, Ch. 1691; Stats. 1982, Ch. 1440, Sec. 1, subd. (a); Stats. 1981, Ch. 974, Sec. 1; Stats. 1987, Sec. 1; and Stats. 1979, Ch. 1043, Secs. 1, 2.

revised HCD review responsibilities as of 1991, eliminating the provision that HCD's findings were advisory, and instead required local governments to revise their housing elements pursuant to HCD's review of the draft element or to adopt specified findings responding to HCD's review. In addition, the law provided that adopted housing elements found by HCD to be in compliance are provided a presumption of validity in any action filed on or after January 1, 1991 challenging the validity of the housing element.

Regional Housing Needs Allocation Process

Housing element law (Section 65583) requires quantification of each jurisdiction's existing and projected housing needs for all income levels. The housing element's requirements to accommodate projected housing needs are a critical factor influencing the housing supply and availability statewide and within regional housing markets. The local regulation of the housing supply through planning and zoning powers affects the State's ability to achieve the State housing goal of "decent housing and a suitable living environment for every California family," and is an important influence on housing costs. The regional housing needs allocation process addresses this statewide concern, and reflects shared responsibility among local governments for accommodating the housing needs of all economic levels.

Shares of the regional housing need are determined for constituent cities and counties of the affected region(s) of the housing element update cycle. This involves an iterative process conducted among state, regional, and local levels of government which is driven by projected population growth. The Department of Finance's (DOF) Demographic Research Unit periodically prepares population projections by county, and current population, household, and housing unit estimates by city and county. DOF's population projections are prepared using the demographic methodology of cohort survival and net migration. Household projections are prepared using headship rates (historical rates of household formation relative to age and ethnic composition of population), along with adjustments of existing stock conditions, e.g., demographic and income factors from the most recent U.S. Census, DOF's annual E-5 report, etc. In consultation with the affected Council of Government (COG) and DOF, HCD submits to each COG projected housing needs. HCD also fulfills the functions of a COG in those counties for which there is no COG. While HCD forwards projections for the region, the distribution of the need within the region is subject to determination by the COG.

The COGs develop the distribution in draft regional housing need allocation plans based on regional population and economic models, and also incorporate consideration of factors such as market demand, commuting patterns, site and public facility availability, and type and tenure of housing need, needs of farmworkers, or the conversion of assisted units. During a 90-day period, each city and county has an opportunity to request revision of their need allocation by the COG. The COG may revise the initial allocations, subject to acceptance of the revised allocation plan by HCD. HCD is authorized to revise the COG's determination if necessary to be consistent with statewide housing needs. The needs allocations from an accepted COG RHNA plan are then incorporated into the city's/county's housing element as a basis for planning for adequate residential development sites and housing assistance programs.

Court Interpretations

Buena Vista Gardens Apartments Association v. City of San Diego Planning Dept. (1985) 175 Cal.App.3d 289, provides the most thorough judicial discussion of housing element law. It is the first appellate level decision to interpret Article 10.6 of the Government Code. The plaintiff and appellant in the case were tenants occupying a large apartment complex for which the city had approved a long-term plan to demolish the existing units and develop condominiums on the site. The tenants challenged the plan's final approval, alleging that the city's housing element failed to meet statutory requirements in seven respects.

The appellate court found that in six of the seven respects the element substantially complied with state law. The court did find, however, that the element lacked any programs encouraging the conservation of mobilehome parks or existing affordable apartment rental units. The fact that the city had no basis upon which to deny the developer a demolition permit demonstrated the city's lack of a program to conserve affordable rental housing. As a result, the court prohibited the permit's issuance until the city amended its housing element with conservation programs substantially conforming to statutory requirements.

Court review of a legislative act, such as adoption of a general plan element, is very narrow. The court may only review for literal compliance with statutory mandates and may not scrutinize the wisdom or merits of the content of the element. The role of the HCD, because it reviews housing elements, is broader. The court acknowledged, "(the) department reviews not only to ensure the requirements of 65583 are met, but also to

make suggestions for improvements.” Furthermore, the court noted: “(while) this court may be of the opinion [that the] city should adopt department’s recommendations, the Legislature has stated its recommendations are advisory (§65585, subd.(a)).” This case was decided prior to the adoption in 1990 of amendments to Section 65585 which require the locality to consider the Department’s findings prior to final adoption of an update and to take specified steps, including written findings, if the Department finds the element does not comply. No decision since has considered the effect of this change on the significance of HCD’s review and determination of compliance.

Buena Vista Gardens is consistent with a number of cases that support the general plan’s integrity and require “substantial” (i.e., actual) compliance with its statutorily stated content. For example, a project may be halted when the general plan either lacks a relevant element or the relevant element is inadequate, as many cases have demonstrated.’

A number of subsequent cases have reiterated the substantial compliance test, with its application a matter of law subject to independent appellate review. A court will not usually disturb legislative action such as a housing element revision unless the action is arbitrary, capricious or entirely lacking in evidentiary support. However, the housing element will be judged as to its actual compliance with respect to the substance essential to every reasonable objective of the statute. See *Black Property Owners v. City of Berkeley* (1994) 22 Cal. App. 4th 974, where the court upheld the city’s housing element update against a claim that it failed to adequately address the governmental constraint of a city-imposed rent control ordinance.

Despite agreement as to the formulation of the substantial compliance test, courts have diverged widely in their application of the test to particular circumstances. In *Hernandez v. City of Encinitas* (1994) 28 Cal. App. 4th 1048, the court rejected a wide-ranging challenge to virtually every aspect of the city’s housing element. The decision revealed a “check list” approach to determining substantial compliance with the detailed statutory requirements: the mere mention or discussion of an issue was found sufficient. The court at times even recited topical headings in the housing element to demonstrate compliance.

In sharp contrast is the approach taken in *Hoffmaster v. City of San Diego* (1997) 55 Cal.App.4th 1098, where the court upheld a narrow challenge to the city’s housing element for its failure to provide adequate sites for emergency shelters and transitional housing, despite

considerable treatment of the issue in the element and amendments adopted under order of the trial court. The *Hoffmaster* court was willing to look at the circumstances behind the City’s conclusions in order to give effect to the purpose and intent of the statute. In addition, the court adopted HCD’s definition of adequate sites for homeless shelters as a logical extension of the legal requirement and, despite the lack of a specific statutory provision, held the City to this standard.

The ruling in *Building Industry Association v. City of Oceanside* (1994) 27 Cal. App.4th 744, demonstrates the effect housing element requirements may have on growth control measures. In that case, at the culmination of lengthy litigation, the court overturned the city’s growth control initiative, in part because it conflicted with broad, general language in the housing element to “protect, encourage and, where feasible provide, low and moderate income housing opportunities...” In *DeVita v. County of Napa* (1995) 9 Cal. 4th 763, the issue was whether an initiative ordinance which prohibited the rezoning of agricultural land without a vote of the electorate conflicted with the County’s ability to update its land use element in accordance with the law. The Court upheld the initiative. It expressly noted, however, that the status of an initiative that either amends or conflicts with the housing element has not been determined, and that the ordinance might be reconsidered if it poses an obstacle to the adequacy of future revisions. The Court emphasized that an initiative amendment must conform to all statutory specifications and may not cause the general plan to be internally inconsistent.

Another case, *Committee for Responsible Planning v. City of Indian Wells* (1989) 209 Cal.App.3d 1005, exemplifies the type of action a court may take after it invalidates a general plan. After holding Indian Well’s general plan invalid for failure to achieve internal consistency and failure to address various statutorily required issues in the housing element, the trial court ordered the city to bring its general plan into compliance with state law and imposed a moratorium. The court order prevented the city from granting building permits and discretionary land use approvals such as subdivision maps, rezoning, and variances until it updated its general plan.

In the meantime, a developer sought approval to record a final tract map. Pursuant to §65755(b), the subdivider requested that the court waive the moratorium’s restrictions. The court may do so when it finds that the project would “not significantly impair” the city’s ability to adopt all or part of the new plan in compliance with statutory requirements. Recognizing

the Legislature's statutory guidance reflecting the housing element's "preeminent importance," the court disagreed with the developer's arguments that the tract map would not affect the city's ability to adopt an adequate housing element. The court refused to allow approval of the map until the general plan was adopted.

Relevant Issues

The housing element issues listed below are derived from Government Code §65583 and 65590. Local governments may address these matters in any format they deem appropriate. For example, they may group together issues having functional relationships or overlapping meanings such as "preservation," "maintenance," and "improvement" of housing. The important thing to remember is that a housing element, regardless of its format, should clearly identify and address, at a minimum, each of the following issues.

- Assessment of housing needs and an inventory of resources and constraints (§65583(a)(1-8))
- Quantified Objectives for construction, rehabilitation, and conservation of housing (§65583(b))
- Programs that set forth a 5-year schedule of actions to achieve the goals and objectives of the element through the administration of land use and development controls, provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs and when available, funds in a low and moderate income housing fund of a redevelopment agency (§65583(c)(1-6))
- Improvement and conservation of housing, including affordable housing stock (§65583 1st para., (b) & (c)(4))
- Development of housing (§65583 (b))
- Assist in development of housing to meet the needs of low- and moderate-income households (§65583(c)(2))
- Address, and where possible, remove governmental constraints (§65583(c)(3))
- Adequate sites for housing (§65583 1st para. and (c)(1))
- Adequate provision of housing for existing and projected needs, including regional share, for all economic segments of the community (§65583)
- Promotion of equal housing opportunities for all persons (§65583(c)(5))
- Preserve assisted housing at risk of converting to non-low-income uses (§65583(c)(6))
- Coastal zone replacement housing (§65588(c)(d) and 65590(h)(2)) - applicable to jurisdictions which are partially or entirely within the Coastal Zone

Reviewing and Revising the Housing Element

Unlike the other elements of the general plan, state law explicitly requires that the housing element be reviewed and updated as frequently as appropriate, but not less than every five years (§65588). Cities and counties must review their housing elements as frequently as appropriate with regard to:

1. The appropriateness of their housing goals, objectives, and policies in contributing to the attainment of the state housing goal.
2. The effectiveness of the housing element in attaining the community's housing goals and objectives.
3. The progress in implementing the housing element.

Evaluations of the element's effectiveness and success in its implementation should include the following information:

- A comparison of the actual results of the element with its goals, objectives, policies and programs. The results should be quantified where possible, but may be qualitative where necessary.
- An analysis of the significant differences between what was projected or planned in the earlier element and what was achieved.
- A description of how the goals, objectives, policies and programs of the updated element incorporate what was learned from the results of the prior element.

The housing element must be comprehensively revised at least every five years to reflect the results of this periodic review. §65588 establishes the timetable for these revisions.

In coastal communities, the revision must take into account any low- or moderate-income housing that has been provided or required in the coastal zone in accordance with §65590. The review of coastal zone housing activity shall include at least the following information:

- The number of new housing units approved for construction within the zone after January 1, 1982.
- The number of units for persons and families of low or moderate income that have been required to be included in new housing developments either within the zone or within 3 miles thereof.
- The number of existing units occupied by low- or moderate-income residents that have been authorized to be demolished or converted to another use within the zone since January 1, 1982.
- The number of low- or moderate-income residential units that have been required for replacement or authorized for demolition or conversion as quantified

above. The review must also identify the location of any replacement units.

Ideas for Data and Analysis

The following aspects of data and analysis for housing elements are based on housing element law. For further guidance, consult the Department of Housing and Community Development (HCD).

Preservation of housing

- Analyze of assisted housing developments eligible for conversion to uses other than low-income housing during the next ten years due to termination of subsidy contracts, mortgage payments, or the expiration of use restrictions. The analysis must include:
 - A listing of each development project by name and address**
 - The type of governmental assistance received**
 - The earliest possible date of change from low-income use**
 - The total number of assisted housing units that could be lost from the locality's housing stock each year during the ten-year period, with regard to:
 - Units for the elderly**
 - Units for the non-elderly**

Data for the analysis of units at risk of converting to non-low-income uses may be available from the following sources:

California Department of Housing and Community Development, California Housing Partnership Corporation, Federal Housing and Urban Development Department (HUD), Rural Housing Services (formerly Farmer's Home Administration), California Debt Advisory Commission, local redevelopment agencies, and for density bonus or inclusionary units contact local housing or planning departments.

- Replacement of converted assisted housing units*
- Estimated the total cost of developing new replacement rental housing comparable in size and rent level to the convertible units
- Preserve assisted housing units*
- Estimated the cost of preserving assisted housing developments
- Identify public and private corporations having the legal and managerial capacity to acquire and manage

* The analysis related to assisted housing development shall be adopted as part of the housing element by January 1, 1992 (§65583(d)).

** For the purposes of state and federally funded projects, this analysis need only contain information available on a statewide basis.

assisted housing developments

- Identify and consider of all federal, state, and local financing and subsidy programs useful in preserving assisted housing for lower income households
- Identify the amounts of funds (under each such program) which could be available for preserving assisted housing developments

Maintenance, Improvement and conservation of housing

- Analysis and documentation of housing stock conditions, such as the number of households living in housing units needing rehabilitation or replacement, identified separately for owner-occupied and renter-occupied units

Data regarding the condition of the existing housing stock may be available from a recent survey or windshield samples, estimates by the local building department, knowledgeable builders, nonprofit housing organizations or redevelopment agencies, and estimates derived from census data such as percentage of units build before 1940, housing value, units without plumbing or heat, etc.

Adequate sites for housing

- Inventory land suitable for residential development, including:
 - Vacant sites
 - Sites having potential for redevelopment

The purpose of the inventory is to identify sites suitable for residential development in order to compare the total holding capacity with the locality's share of the regional housing need by income level. Land suitable for development should have characteristics that make the sites appropriate for housing construction within the planning period of the element. Vacant land or land suitable for redevelopment or recycling may be considered including underutilized residential land, publicly-owned and surplus land, aging non-residential uses that may be suitable for recycling to residential uses and areas suitable for mixed commercial and residential uses.

- Analyze these sites in relation to:
 - Zoning
 - Public facilities
 - Public services

The inventory should determine the availability of essential public facilities and services on sites identified for residential development, including existing capacity and capacity to be provided or planned over the planning period. The inventory should also evaluate the adequacy

of existing or planned zoning to accommodate the regional housing need by income level.

- Identify adequate sites for housing to meet existing and projected housing needs, including sites for:
 - Multifamily Rental housing
 - Factory-built housing
 - Mobilehomes
 - Emergency shelters
 - Transitional housing
- Evaluate the administration of zoning and subdivision ordinances with regard to the provision of adequate sites for housing

Adequate provision of housing for existing and projected needs, including regional share, for all economic segments of the community

- Include the local share of the regional housing need by income level (see next section for more information)
- Assess local housing needs, including:
 - Analysis of population trends
 - Analysis of employment trends
 - Documentation of population projections
 - Documentation of employment projections
- Quantify existing housing needs for all income levels
 - household characteristics:

Analysis and documentation of household characteristics, including: level of payment compared to ability to pay; the number of very low and lower income households occupying units at a cost greater than 30 percent of their gross household income; and comparison of the income distribution of low and moderate income households in the community to the range of costs of housing units for sale and for rent in the community. Data for this analysis may be available from the U.S. Census, and local real estate agencies and newspaper advertisements.

Analyze any special housing needs such as those of:

- The handicapped or disabled
- The elderly
- Large families (5 or more members)
- Farmworkers
- Families with female heads of households
- Families and persons in need of:
 - Emergency shelter
 - Transitional housing

Data for special housing needs analyses may be available from U.S. Census, federal CHAS databook (contact HCD or HUD), Councils of

Governments, State Department of Rehabilitation, Local Social Security offices, Social Services organizations, Welfare Departments, low and moderate income advocacy organizations, Area Agency on Aging offices, and for estimates of homeless information may be available from local social service agencies, shelter providers, churches, or the police or sheriff departments. Local State Employment Development Department can provide estimates of agricultural employment by county. Other resources for estimates of the number of farmworkers include

- Housing characteristics:

Analysis and documentation of housing characteristics, such as the number of households living in overcrowded conditions (1.01 or more persons per room). Overcrowding data is available from Census data.

Resources for meeting existing and projected housing needs

- Inventory of resources relevant to meeting the identified housing needs, including:

Land suitable for residential development, including:

- Vacant sites
- Sites having potential for redevelopment

Inventory of these sites in relation to:

- Facilitating housing through zoning
- Available public facilities
- Available public services

Federal, state, and local financing and subsidy programs

Available financing from the low and moderate-income housing fund established by the local redevelopment agency

Constraints on meeting existing and projected housing needs

- Inventory constraints relevant to meeting the identified housing needs, including:

Housing sites in relation to:

- Zoning constraints
- Public facilities constraints
- Public service constraints

Sites at risk from natural hazards (fire, flood, landslide, or earthquake)

Potential and actual governmental constraints upon:

The maintenance, improvement, and development of housing for all income levels, including:

Land use controls (examples include zoning and density standards, development standards

(parking, height limits) open-space standards, growth controls, policies regarding second units, density bonuses, etc.)

Building codes and their enforcement (for example, any local amendments to State Housing Law and the degree or type of enforcement)

Site improvements (examples include street widths, curbing requirements, circulation improvements, etc.)

Fees and other exactions required of developers (for example, planning and development fees and land dedication or other exactions)

Local processing and permit procedures (for example, typical permit processing times, evaluation of discretionary permit requirements, standard approval processes, design review processes)

Potential and actual non-governmental constraints upon:

The maintenance, improvement, and development of housing for all income levels, including:

Availability of financing (consideration of whether financing is generally available, whether there are any mortgage deficient areas for new construction or rehabilitation loans)

Price of land (for example estimates of the average per unit cost of land or the range of costs for single-family and multifamily zoned areas.)

Construction costs (consideration of costs to developer exclusive of profit, including land, fees, material labor, and financing)

- Identify regulatory concessions which could reduce or eliminate constraints on needed housing
- Evaluate techniques for administering land use and development controls which reduce constraints on needed housing

Residential energy conservation

- Identify opportunities for energy conservation in the design and construction of individual units
- Identify opportunities for energy conservation in the design of subdivisions
- Examine proximity of proposed residential development to employment centers, retail commercial uses, schools, transit, and other services
- Identify incentives facilitating energy conservation

Promotion of equal housing opportunities for all persons

- Analyze U.S. Census data to determine the household characteristics of various areas or neighborhoods in

the locality

- Identify those areas or neighborhoods which have homogeneous household characteristics
- Determine whether such homogeneous characteristics are the result of or influenced by local government policies or regulatory activities
- Analyze minimum residential lot size and other standards set forth in the land use element and in the zoning ordinance to ascertain whether there is an exclusionary effect on persons with regard to such factors as race, religion, ancestry, national origin, or color
- Consider the analysis of governmental constraints on housing supply
- Determine whether such homogeneous characteristics are the result of or influenced by nongovernmental actions
- Investigate local covenants, conditions, and restrictions (CC&Rs) to ascertain whether they produce an exclusionary effect with regard to such factors as race, religion, ancestry, national origin, or color
- Investigate the availability of housing purchase and improvement loans to all persons in all areas
- Determine whether there are governmental and non-governmental constraints on the locality's meeting of its regional share of housing needs for all persons regardless of race, religion, sex, marital status, ancestry, national origin, or color
- Investigate the policies and regulations of other jurisdictions that promote housing opportunities for all persons
- Survey the literature regarding successful equal housing programs
- Use the *Book of Lists* published annually by the Office of Planning and Research to contact other jurisdictions about their housing programs
- Evaluate alternative techniques for administering land use and development controls which will encourage the provision of needed housing for all persons
- Establish a dialogue with and seek housing needs information from housing advocacy groups and the local housing authority
- Ask members of the community for ideas on promoting housing opportunities for all persons

Coastal zone replacement housing (§65588(c)(d) and §65590(h)(2))—applicable to jurisdictions which are partially or entirely within the Coastal Zone

- Any housing element review or revision pursuant to §65588 should take into account all low or moderate-income housing developed to replace coastal zone

low or moderate-income housing which was: 1) demolished; 2) converted to a condominium, cooperative, or similar form of ownership; or 3) converted to a nonresidential use. This accounting must include at least:

- The number of new housing units approved for construction within the coastal zone after January 1, 1982
- The number of housing units for persons and families of low or moderate income required to be provided in new housing developments either within the coastal zone or within three miles of the coastal zone
- The number of existing residential dwelling units occupied by persons and families of low or moderate income that have been authorized to be demolished or converted since January 1, 1982, in the coastal zone
- The number of residential dwelling units for persons and families of low or moderate income that have been required for replacement
- The designation of the location of the replacement units, either on-site, or elsewhere within the locality's jurisdiction within the coastal zone, or within three miles of the coastal zone within the locality's jurisdiction

Ideas for Development Policies, Implementation, and Funding Programs

The housing element should contain a statement of development policies, including goals, quantified objectives, and policies for the preservation, maintenance, improvement, and development of housing. These policies should address the adequate provision of housing to meet the locality's existing and projected housing needs. The goals, objectives, and policies should also direct local decision making with regard to adequate sites for various types of housing, including rental and manufactured dwelling units.

Many of these policy issues overlap. For example, policies promoting housing for all economic segments of the community overlap similar directives addressing the replacement of converted assisted housing units. Furthermore, with regard to adequate housing supply, the statement of development policies should address a group of subordinate housing supply issues, such as those related to governmental constraints and special housing needs.

To meet needs and implement policies, the housing element must also include a five-year schedule of current and proposed implementation measures and iden-

tify the agencies or officials responsible for implementation (§65583(c)). Program actions should describe the specific action steps the locality will take to implement its policies and achieve its objectives. Programs should include a time frame for implementing each program action.

The following are ideas for a statement of development policies and implementation actions to illustrate the kinds of actions local governments may take to carry out the policies of their housing elements. These include programs that are statutorily required by housing element law, actions that are mandated by other laws, and other measures which are not mandated, but which may nevertheless address a particular program area.

*Preservation of assisted housing for lower-income households**

A program to preserve for lower income households of the assisted housing developments identified pursuant to paragraph (8) of subdivision (a) of §65583. (See the preceding "Ideas for Data and Analysis.") The program must utilize all available federal, state, and local financing and subsidy programs identified in paragraph (8) of subdivision (a) of §65583, except where a community has other urgent needs for which alternative funding sources are unavailable.

Possible financing and subsidy sources might include:

- Federal financing and subsidy sources
- State financing and subsidy sources
- Local financing and subsidy sources, such as:
 - Tax Increment Financing through the California Community Redevelopment Law
 - Local trust funds, etc.

The program may address local regulatory strategies.

For example, the program might call for:

- Regulatory concessions
- Regulatory incentives

Modifications to the administration of land use and development controls that facilitate the preservation of assisted housing for lower income households

Maintenance of housing and the improvement and conservation of housing, including affordable housing stock

- Administer land use and development controls to facilitate the maintenance, improvement and conser-

* The analysis related to assisted housing development shall be adopted as part of the housing element by January 1, 1992 (§65583(d)).

vation of housing

- Support the improvement and conservation of existing housing for all economic segments, including affordable housing stock such as:
 - Affordable rental housing stock
 - Mobilehome parks
 - Manufactured housing (e.g., factory-built housing and mobilehomes)
- Identify and describe the actions which the local government will undertake or facilitate in conserving and improving the condition of the existing affordable housing stock. Such measures could include:
 - Federal financing and subsidy programs
 - State Financing and subsidy programs
 - Local financing and subsidy programs, including the use of redevelopment funds
 - Offering regulatory incentives to projects which rehabilitate existing housing
 - Enacting an ordinance regulating demolition of housing units and conversion of housing units to other uses (e.g., office, commercial)
 - Establishing an equity-sharing program to provide affordable home ownership or rental housing opportunities for low and moderate income households
 - Enacting an ordinance requiring replacement of housing units demolished due to public or private action
 - Rehabilitating residential hotels for very low and low income households
 - Undertaking a program to enforce building and housing codes, financed in part with proceeds from denial of state tax benefits to code violators
 - Enacting an occupancy ordinance requiring pre-sale code inspection and compliance before title to the property is transferred
 - Making zoning changes to conserve existing affordable housing uses, such as changing the zoning on an existing mobile home park from a conditional use to residential zoning.

Adequate sites for the provision of housing for existing and projected needs, including regional share, for all economic segments of the community

- Provide sites in suitable locations and with adequate services that can collectively accommodate a range of housing (type, size, and price) meeting the needs of all economic segments of the community. The provision of adequate housing accommodating existing and projected housing needs, including the local share of the region's housing needs, for all economic seg-

ments of the community:

Among other things, development policies should address:

- The criteria for zoning of land for single-family, multiple-family, and mixed-use residential developments.
- Policies assuring local compliance with the residential zoning requirements of §65913.1.
- The standards for:
 - Public facilities serving residential uses
 - Public services serving residential uses
- The criteria for and provision of adequate sites for:
 - Housing in general
 - Multifamily rental housing
 - Factory-built housing
 - Mobilehomes
 - Emergency shelters for families and individuals
 - Transitional housing for families and individuals
- Amendments to local ordinances governing conditional use permits, variances, tentative subdivision maps, parcel maps, etc., to facilitate the provision of adequate sites for housing
- Programs and policies to ensure the availability of:
 - Public services
 - Public services
 - Vacant land
 - Redeveloped land
- The use of local public financing mechanisms to finance public improvements and services for housing, including, but not limited to:
 - Special assessment districts
 - Mello-Roos community facilities districts
 - Tax increment financing revenues
 - General obligation bonds
 - Development impact fees
- The use of moneys in a low or moderate-income housing fund derived from redevelopment financing activities
- Remove unnecessary governmental constraints relating to the provision of adequate sites including
 - Overly restrictive land use controls (e.g., large-lot zoning)
 - Overly restrictive building code regulations
 - Excessive site improvements
 - Expensive fees and other exactions required of developers
 - Red tape in the administration of permit approvals and processing
- Zoning ordinance amendments or special regulatory concessions necessary to remove unwarranted con-

straints on the preservation, conservation, maintenance, improvement, and development of housing for all economic levels of households with regard to local housing needs and the locality's regional share of housing need and demand

- Standards for evaluating the suitability of individual sites for low and moderate-income (non-market-rate) housing
- Criteria for allowing and promoting the installation of second dwelling units and granny flats

Adequate sites for housing means the local government has identified sites which will be made available through appropriate zoning and development standards and with public services and facilities needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory built housing, mobilehomes, emergency shelters and transitional housing. Where the inventory of sites does not identify adequate sites to accommodate the need for all income levels pursuant to the localities share of the regional housing need, the program shall provide for sufficient sites with zoning that permits owner-occupied and rental multifamily residential use by right, including density and development standards that could accommodate and facilitate the feasibility of housing for lower income households. (§65583(c)). The housing element's program of implementation actions should:

- Identify sites that:
 - Are or will be appropriately zoned for various housing types, including vacant land zoned for residential use pursuant to §65913.1
 - Meet or will meet development standards appropriate for various housing types
 - Have or will have public services and facilities needed to facilitate and encourage these various housing types
- Specify measures in the administration of land use and development controls that will accommodate these various housing types. The administration of zoning, for example, includes the processing, approval, and enforcement of conditional use permits and zoning variances. Other measures might include:
 - Inventorying surplus public lands, including sites owned by federal, state and local agencies, to identify suitable sites for the development of low and moderate income housing
 - Establishing and utilizing a municipal housing finance agency to assist in the financing of public services and facilities.

- Describe the regulatory incentives and concessions that will be used to facilitate and encourage these various housing types. These might include:
 - A program to acquire land and sell it at a discounted price to developers of low and moderate income housing
 - Offering public improvements or reduced impact fees to projects which provide low- and moderate-income housing

Assistance in the development of housing for low and moderate income households

- Identify measures which the local government intends to undertake or facilitate that will assist in the development of adequate housing to meet the needs of low and moderate-income households. Such measures could include:
 - Regulatory incentives, such as density bonuses exceeding the state requirements
 - Zoning ordinance provisions for promoting development of second residential units on existing lots and/or provision of financial incentives (including fee waivers) to promote second units
 - Mixed-use zoning districts to encourage combining residential with other uses
 - Zoning ordinance provisions that encourage and promote mobilehome subdivisions and mobilehome parks
 - Development agreements that promote the availability of below-market priced homes in the project
 - Residential design that promotes energy conservation.
 - Federally funded programs for the construction of housing
 - State funded programs for the construction-of housing
- Utilize the required 20% set aside of redevelopment agency tax increment revenues to finance low and moderate income housing (Low and Moderate Income Housing Fund)
- Provide density bonuses and other incentives to developers who include units affordable to low- or very low-income households, or for senior households

Removal of governmental constraints

- Describe a program which the local government intends to use in systematically removing, where appropriate and legally possible, governmental constraints on the maintenance, improvement, and development of housing. Removal of constraints might involve:

- Changes in the administration of land use and development controls that facilitate and encourage the maintenance, improvement, and development of housing
- Reduction in permit requirements for projects providing low- and moderate-income housing.
- Holding pre-application conferences and administering the local review process to streamline permit processing for developments that include low and moderate cost units.
- Establishing a single administrative unit to coordinate processing of multiple permits for residential developments
- Allow manufactured homes on permanent foundation systems to be installed on all single-family zoned lots under the same approval process as for site-built homes
- Allow zero lot line development
- Reduce parking requirements
- Allow alternative building design and constructions materials and methods
- Reduce street widths and rights of way (where appropriate)
- Allow common trenching for utilities
- Reduce, waive, or defer fees to facilitate a particular type of housing (assisted housing, multifamily rental, etc.)
- Remove Conditional Use Permit requirements for multifamily housing in multifamily zones.

Promotion of equal housing opportunities for all persons

- Creation of the position of local ombudsman to further public and private sector compliance with local, state, and federal equal housing opportunity laws
- The elimination of exclusionary standards from local land use regulations and policies
- The administration of land use and development controls in a way that provides housing opportunities for all persons
- Equitable provision of housing-related public services regardless of race, religion, sex, marital status, ancestry, national origin, or color
- Describe actions which the local government is undertaking or intends to undertake to promote housing opportunities for all persons regardless of race, religion, sex, marital status, national origin, or color. Such actions might include:
 - Establishing a fair housing council to promote equal housing opportunities.
 - Distributing fair housing information and refer-

ring housing complaints to the local fair housing office.

- Discouraging redlining practices in lending and insurance underwriting by withdrawing local funds from, or ceasing business relationships with, institutions that discriminate.
- Establishing open housing programs, such as affirmative marketing, to expand housing opportunities for low income and minority households.
- Translation of permit instructions into a commonly and locally used foreign language

Residential energy conservation

- Energy conservation features in new and existing housing
- Land use controls encouraging energy conservation (such as solar orientation of subdivision lots - see §66473.1)
- The use of incentives encouraging energy conservation

Consistency with the Rest of the General Plan

Section 65583(c) requires that the housing element describe “the means by which consistency will be achieved with other general plan elements and community goals.” Among other things, the housing element must establish the locality’s housing goals, policies and objectives, identify sites for new construction, and address governmental constraints. Thus, the housing element affects a locality’s policies for growth and residential land uses.

This requirement exists to ensure that housing elements, which are often adopted and amended separately from the rest of the general plan, will maintain the mandated internal consistency of the plan. The housing element program therefore must evaluate any potential conflict between general plan elements and the housing element, and describe the means by which consistency will be achieved.

Public participation

The city or county must make a diligent effort to achieve the participation of all economic segments of the community in the development of the housing element. The program of actions for implementing the housing element must describe these public participation efforts.

In addition to holding public hearings at the planning commission and government body level, efforts should be made to encourage the participation of all economic segments of the community (including low- and moder-

ate-income households). Local citizen participation efforts could include a citizen's advisory group to assist in development of the element, circulation of draft elements to housing interest groups, and special advertising and outreach measures to inform citizens of all economic levels about the process and their opportunity to participate.

Technical Assistance and Information

The California Department of Housing and Community Development has extensive materials available to assist in the preparation of local housing elements. In addition to a variety of demographic data including Census Data, information about planning and community development laws and resources are available. The

Department also operates a computerized database, the Clearinghouse for Affordable Housing and Community and Economic Development Finance, to provide up to date information about financial resources. Department staff are also available to consult with and assist local governments in the preparation and implementation of local housing elements. The following other state agencies may provide information or assistance for the preparation of the **housing element**: California Housing Finance Agency; Office of Planning and Research; Department of Finance; Employment Development Department; Fair Employment and Housing Department; Department of Aging; Department of Rehabilitation; and the Department of Community Services and Development.

Useful Housing Element Definitions

Assisted Housing Developments: Multifamily rental housing that receives governmental assistance under federal programs listed in subdivision (a) of §65863.10, state and local multifamily revenue bond programs, local redevelopment programs, the federal Community Development Block Grant Program, or local in-lieu fees. The term also includes multifamily rental units that were developed pursuant to a local inclusionary housing program or used to qualify for a density bonus pursuant to §65915.

Income Levels: Income categories are defined with respect to the area median income and are adjusted for household size. For detailed definitions of these terms, the reader should consult Chapter 6.5 (commencing with §6910) of Title 25 of the California Code of Regulations. The income categories below are based on the following general parameters, but are adjusted for a number of factors, including household size, rent-income ratios, a statewide floor, and a national cap.

Very Low Income: No more than 50 percent of the area median income.

Other Lower Income: Between 50 and 80 percent of the area median income.

Lower Income: No more than 80 percent of the area median income (i.e., combination of very low income and other lower income).

Moderate Income: Between 80 and 120 percent of the area median income.

Above Moderate Income: Above 120 percent of the area median income.

Quantified Objective: The housing element must include quantified objectives which specify the maximum numbers of housing units that can be constructed, rehabilitated, and conserved by income level within a five-year time frame, based on the needs, resources, and constraints identified in the housing element (§65583(b)). The number of units that can be conserved should include a subtotal for the number of existing assisted units subject to conversion to non-low-income uses which can be preserved for lower-income households. Whenever possible, objectives should be set for each particular housing program, establishing a numerical target for the effective period of the program.

Ideally, the sum of the quantified objectives will be equal to the identified housing needs. However, identified needs may exceed available resources and limitations imposed by other requirements of state planning law. Where this is the case, the quantified objectives need not equal the identified housing needs, but should establish the maximum number of units that can be constructed, rehabilitated, and conserved (including existing subsidized units subject to conversion which can be preserved for lower-income use), given the constraints. See the definition of "objective" in Chapter 1 of these guidelines.

FEDERAL HOUSING RESOURCE GUIDE

Appendix 5.4. Summary of Federal, State and County Housing Assistance Programs.

The California Department of Housing and Community Development (HCD) provides a Clearinghouse of information on over 200 housing programs, including government programs (federal, state and county), programs provided by private lenders and foundation grants. Attached are the Clearinghouse results of a search for programs that may be applicable to Beverly Hills, as of December 2000. Information on specific programs may be found on HCD's website (www.hcd.ca.gov), or by contacting HCD directly. HCD staff updates the Clearinghouse information on a regular basis. Following the Clearinghouse results for Beverly Hills is HCD's latest update of programs.

FEDERAL HOUSING RESOURCE GUIDE



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August 1999

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INTRODUCTION

Housing is generally the largest single expense low-income households face. According to the federal government, housing is "affordable" to a low-income family as long as the cost of housing (rent or mortgage/tax payments plus basic utilities) does not exceed 30 percent of household income. Consistent with this standard, households earning \$11,000/year or \$917/month (minimum wage) cannot afford to pay more than \$275/month for rent and utilities.

Annual Income	Affordable Monthly Housing Cost
\$ 6,000 (SSI)	\$ 150
\$ 11,000 (minimum wage)	\$ 275
\$ 15,000	\$ 375
\$ 20,000	\$ 500

People with disabilities who may be receiving Supplemental Security Income (SSI) or who work in low wage jobs find it very difficult to find housing that is affordable. This Federal Housing Resource Guide provides information on key federal programs and resources that can be used to assist low-income people with disabilities with their housing needs.

Most of these programs are funded by the U.S. Department of Housing and Urban Development (HUD). Though all of these programs are federally funded, some (as indicated) are administered and available through your state or city housing and community development offices.

CHANGING FEDERAL ENVIRONMENT

Currently, the federal government is experiencing significant changes in how housing programs are administered and at what level of funding these programs will continue. These changes will impact federal housing programs for years to come. Though at this time it is difficult to predict the outcome of this debate, the following changes are already underway:

- Potential cuts to many federal housing programs
- A "devolution" of program responsibility from the federal to state and local governments
- Greater focus on achieving mixed-income environments in most public and private affordable housing programs
- Less federal oversight and regulation

Throughout the Resource Guide, changes that are known or are very likely to occur are indicated in the program summaries.

FEDERAL HOUSING PROGRAMS

Below are brief program summaries of commonly used federal housing programs. HUD funds most of these programs, though there are some noted exceptions. Though all of these programs are federally funded, some (as indicated) are administered and available through your state or city housing and community development offices. Often times when looking for resources the best place to start is the city and local level to find out how funds are being spent in your community.

I. Public Housing Agencies and the PHA Plan

Public Housing Agencies (PHAs) were created by the Housing Act of 1937 to develop, own, and manage federal public housing under contract with HUD. PHAs are overseen by a Board of Commissioners or Director who are either elected or appointed by the city or town. PHAs administer federal public housing units as well as Section 8 tenant-based certificates and vouchers. Historically, PHAs have been highly regulated by HUD. However, recent federal legislation has given greater flexibility to PHAs to decide how to use federal housing resources to meet housing needs in local communities.

Federal public housing is developed, owned, and operated by PHAs. HUD provides an operating subsidy to pay for the costs of operating and managing the housing not covered by tenant rents. Public housing tenants typically pay a limited percentage (usually 30 percent) of their income as rent to the PHA.

The 1998 Quality Housing and Work Responsibility Act, commonly called the Public Housing Reform, made major changes in federal public housing and Section 8 programs. Highlights of the important changes to HUD's housing programs include income targeting and "deconcentrating" public housing.

- The complex provisions of this part of the legislation allow higher income targeting for public housing units and lower income targeting for the Section 8 rental assistance program. For example, Public Housing Agencies will be required to make not less than 75% of their Section 8 rental subsidies available to households whose incomes are less than 30% of the Area Median Income.
- Another change is the implementation of minimum rents. Under the new law, PHAs will be allowed to impose minimum rents of \$0 to \$50 a month for public and Section 8 assisted residents. Exemptions are permitted under certain circumstances.
- New Section 8 Homeownership provisions will permit PHAs to use Section 8 tenant based rental assistance to support homeownership for low-income households.

As mentioned, beginning in 2000, PHAs will be required to prepare and submit to HUD a five year Public Housing Agency Plan covering all aspects of a PHA's operations, including PHA income targeting and tenant selection preferences for federal public housing units and Section 8 rent subsidies. The PHA Plan must be developed in consultation with a Resident Advisory Board and be consistent with the housing needs and housing strategies described in the community's HUD mandated Consolidated Plan. (See section on Consolidated Plan below)

Through the PHA Plan, PHAs may establish tenant selection preferences for their public housing units. PHAs may also designate studio and one bedroom public housing units as "elderly only" housing—and reduce the supply of public housing units available to people with disabilities. However, PHAs can only designate "elderly only" housing if the PHA has a separate HUD-approved PHA Allocation Plan requesting the designation.

Federal Public Housing Units

Since the 1970s HUD has funded very few new units of public housing. Many PHAs are now competing for HUD's HOPE VI Public Housing Revitalization Program, which provides funding for the demolition and redevelopment of older and deteriorated public housing. In an effort to

revitalize the image of public housing, public housing units developed under the HOPE VI program are frequently targeted to moderate income rather than low-income households.

In the next few years there is likely to be no new funding for public housing development, and cuts in operating and modernization funds. In addition, tenant selection policies are undergoing fundamental changes with the elimination of federal mandatory preferences (including those for people who are homeless or at risk of homelessness) and the proposed raising of public housing income limits. The primary goal of these changes is to create more mixed income housing developments.

Although federal mandatory preferences are no longer applicable, PHAs may choose to establish local preferences for tenant selection, and may adopt a preference for people with disabilities. PHAs have a good deal of latitude in selecting local preference categories, though these categories should be based on local needs (as indicated in the Consolidated Plan, the PHA Plan or other public planning processes). In the future, as noted above, PHAs are likely to have broader discretion over the administration of public housing.

Section 8 Certificates and Vouchers

The Section 8 tenant-based certificate and voucher programs were created by Congress as an alternative to public housing and privately owned subsidized housing developments with two goals in mind. These were to allow low-income households more choice in housing; and to reduce the concentration of low income households living in particular neighborhoods, especially in urban areas. The Section 8 program is administered by PHAs and provides tenant-based rental subsidies that can be used in privately owned rental housing chosen by the program participant that meets Section 8 guidelines. The PHAs are responsible for tenant selection, managing the subsidy account, and inspecting apartments before they are rented. Under the Section 8 tenant-based program, PHAs provides a rental subsidy directly to landlords on behalf of eligible tenants who select housing that meets program guidelines. Tenants pay 30% of their income in rent and the PHA pays the difference between this and the rent charged for the unit. Rents must be "reasonable" and equal to or below a Fair Market Rent established by HUD based on the median rent for the area. Since 1974, this program has become the major form of federal housing assistance available to very low-income households.

Under new public housing reform legislation, the Section 8 certificate and voucher programs will be merged into the new Housing Choice Voucher Program. The Housing Choice Voucher program also provides a rent subsidy paid by the PHA on behalf of the program participant directly to the landlord. However, when new Section 8 participants receive a Housing Choice Voucher, they may pay no more than 40 percent of their income in rent. The amount of the Section 8 rent subsidy paid by the PHA is based on HUD Fair Market Rents for the area.

As mentioned above, until recently, PHAs were required to provide preference to very low-income families (income below 50% of median) who are homeless or at risk of homelessness. However, Congress recently eliminated these requirements. Under new federal laws, PHAs must target at least 75 percent of their Section 8 rent subsidies to households with incomes below 30 percent of the median income. PHAs may also establish other tenant selection preference categories that are consistent with local housing needs. For example, PHAs may adopt a local preference for people with disabilities, although there is no requirement that they must do so. There is usually a very long waiting list for Section 8 certificates and vouchers, and many PHAs open their Section 8 waiting lists for new applicants for very limited periods of time.

The Section 8 Mainstream Program for People with Disabilities

In 1997, 1998, and 1999, Congress appropriated several set-asides of Section 8 rent subsidies targeted exclusively for people with disabilities. During this three-year period, approximately 26,000 new Section 8 rent subsidies targeted to people with disabilities were made available by HUD to PHAs. These funds are available through PHAs that are awarded these subsidies under a Notice of Funding Availability (NOFA) issued by HUD. The NOFA is usually published in late winter or early spring.

Most of these rent subsidies were intended by Congress to replace the federal public and assisted housing units that are no longer available to people with disabilities because of the designation of "elderly only" housing. The Section 8 rent subsidies are usually referred to as the Section 8 Mainstream Program for People with Disabilities. Unfortunately, very few PHAs actually applied for Section 8 Mainstream funding.

To address this lack of interest on the part of PHAs, in 1999 Congress directed HUD to modify the Section 8 Mainstream program and permit non-profit disability organizations as well as PHAs to apply and administer the program. Non-profit organizations are required to run the Section 8 program in the same manner as PHAs.

Privately-Owned Federally Subsidized Rental Housing—

Elderly Only Housing Policies

Beginning in the early 1960s, Congress created a number of programs that encouraged the development of privately owned affordable housing. This was a move away from public housing and toward public/private partnerships where the federal government would provide incentives to private developers to keep all or some of their units in multi-family developments affordable to low income people. Privately owned affordable housing remains the largest source of affordable housing, exceeding both public housing and tenant-based rental subsidies, nationally.

During the 1970s, HUD stimulated the development of privately owned affordable housing through such programs as the Section 221(d)3 and Section 236 programs which combined long term mortgages with federal mortgage insurance. After Congress created the Section 8 program in the 1970s, many of these properties also received Section 8 project based rental assistance tied to some or all of the units. Until 1992, the one-bedroom units in these developments were available equally to elderly households (age 62 and older) and people with disabilities under age 62. However, since the mid-1990s, owners have the discretion to restrict or exclude people with disabilities from eligibility under "elderly only" designated housing policies.

In the 1970s and early 1980s, the Section 8 New Construction and Section 8 Substantial Rehabilitation program was also used to encourage new subsidized housing development. As an incentive to expand private subsidized housing production/rehabilitation activities, HUD made 15 year commitments of Section 8 rent subsidies to housing developers who were required to provide units to Section 8 eligible households, including people with disabilities. Developers used this Section 8 guarantee to obtain financing from other sources. Since 1992, these properties have also been permitted to adopt "elderly only" housing policies and limit the occupancy of units by people with disabilities under age 62.

The Washington D.C.-based Consortium for Citizens with Disabilities Housing Task Force and

the Technical Assistance Collaborative, Inc. have estimated that by the year 2000, as many as 273,000 federally subsidized housing units may be converted to "elderly only" housing. Therefore they would no longer be available to people with disabilities under the age of 62. Most privately owned federally subsidized Section 8 developments in the United States are "at-risk" of conversion to market rate housing due to expiring HUD contracts and mortgage "pre-payment" options being exercised by the owners of these developments.

II. Subsidized Housing Programs to Expand the Supply of Affordable Housing

The Consolidated Plan

The Consolidated Plan (ConPlan) is a HUD mandated application and strategic planning document prepared by all states and certain local government jurisdictions every year. In order to get the funds each eligible unit of government must submit a comprehensive strategic plan every 5 years with an annual update to that plan every year. The Consolidated Plan controls the use of four HUD programs administered by state and local housing officials and must be approved by HUD each year. These four HUD programs are: the HOME Program; the Community Development Block Grant Program; the Emergency Shelter Grant Program; and the Housing Opportunities for People with AIDS Program. (Each is detailed below.) These funds are allocated to units of local government based on a formula for need.

The ConPlan is intended to be a comprehensive, long range (5 year) planning document that describes housing needs and market conditions, housing strategies, and outlines an action plan for the investment of federal housing funds. The ConPlan is important to the disability community because it controls how federal housing funds will be used to expand affordable housing opportunities, and who will benefit from these affordable housing activities. The housing needs and housing strategies adopted in the Consolidated Plan are also intended to influence the development of other HUD mandated strategic plans – specifically the new Public Housing Agency Plan prepared by PHAs and the Continuum of Care Plan which guides the use of HUD McKinney Homeless Assistance Programs.

HOME Program

Congress created the HOME Investment Partnerships Program in 1990. The HOME program is a formula grant of federal housing funds to states and local jurisdictions. Local jurisdictions are larger cities and consortia of smaller communities (called "Participating Jurisdictions"). During 1999, Congress appropriated \$1.6 billion that was allocated by formula to approximately 500 communities and states. HOME funds can be used for the following uses:

- Rental housing production and rehabilitation loans and grants;
- First-time homebuyer assistance;
- Rehabilitation loans for homeowners;
- Tenant-based rental assistance (2 year renewable contracts).

All housing developed with HOME funds must serve low and very low income individuals and families. For rental housing, at least 90 percent of HOME funds must benefit families whose incomes are at or below 60 percent of area median income; the remaining 10 percent must benefit families with incomes at or below 80 percent of area median income. (Your state or participating jurisdiction may have even lower income targeting for their HOME funds) 15 percent of a state or local jurisdictions HOME funds must be set-aside for use by community based non-profit organizations (called "CHDOs").

Community Development Block Grant

The Community Development Block Grant (CDBG) program is a federal grant provided to CDBG "entitlement communities" (typically municipalities with populations over 50,000 and urban counties with populations over 200,000) and to all states. States may use CDBG funds only in non-entitlement communities, including rural areas. During 1999, Congress appropriated \$4.75 billion for the CDBG program. At least 70 percent of CDBG funds must be used to benefit low and moderate-income people by providing decent housing and a suitable living environment, and by expanding economic opportunities. CDBG can be spent on any of the following activities:

- Housing rehabilitation (loans and grants to homeowners, landlords, non-profits, developers);
- New housing construction (only if completed by non-profit groups);
- Purchasing land and buildings;
- Construction of public facilities such as shelters for the homeless;
- Construction of neighborhood service centers or community buildings;
- Code enforcement, demolition, and relocation funds for people displaced because of CDBG projects;
- Making buildings accessible to the elderly and handicapped; and
- Public services (capped at 15 percent of a jurisdiction's CDBG funds) such as employment services and health and child care.

Jurisdictions must certify that their use of CDBG gives maximum feasible priority to activities that will benefit low and moderate-income people or aid in the prevention or elimination of slums or blight. Interpretation of these goals has often led to conflict between community groups and the state and city housing or community development offices responsible for administering the grant.

Emergency Shelter Grant (ESG)

Created with the authorization of the Stewart B. McKinney Homeless Assistance Act in 1987, the ESG program provides federal (HUD) grants to states and localities based on the formula used for the CDBG program. Program funds are awarded to grantees in proportion to their last year's CDBG allocation (see above). If localities do not meet minimum grant standards, their funds are added to their State's allocation. Each year since 1996 HUD has allocated \$115 million in Emergency Shelter Grants. Eligible activities for use of ESG include:

- Renovation, major rehabilitation, or conversion of buildings for use as emergency shelter;
- Up to 30% on essential services for the homeless;
- Up to 30% on homeless prevention efforts;
- Shelter operating costs, such as maintenance, insurance, utilities, rent, and furnishings (no more than 10% for operating staff costs).

Housing Opportunities for People with AIDS program (HOPWA)

HOPWA is a HUD program that funds housing and services for people with AIDS. It is available as a block grant to states and larger metropolitan areas based on the incidence of AIDS in these areas. Approximately \$225 million was appropriated for HOPWA in FY '99. Eligible activities under the program include:

- Housing information and coordination services;

- Acquisition, rehabilitation and leasing of property;
- Project-based or tenant-based rental assistance;
- Homeless prevention activities;
- Supportive services;
- Housing operating costs;
- Technical assistance;
- Administrative expenses.

Low Income Housing Tax Credit (LIHTC)

The federal government created the LIHTC program in 1986 in order to create incentives for investment in low-income housing development by giving federal tax credits to investors in affordable low-income housing. Private investors (such as banks, corporations) buy the tax credits from the affordable housing developer. The affordable housing developer then uses these proceeds called equity (usually in combination with other financing) to construct or rehabilitate affordable housing. Investors receive a federal tax credit over a 10-year term.

Because developers of affordable housing must often piece together various forms of financing, the LIHTC has become a critical piece of overall project financing. State Housing Finance Agencies develop plans, called Qualified Allocation Plans (QAP), describing how the credits will be allocated to projects (setting priorities and scoring for projects). Developers should review the plans to see what the state and local priorities are before submitting an application. Developers should be aware that the process is very competitive. Additionally many states have now created state tax credit programs that operate much like the federal program and provides another source of funds for housing development.

The federal government sets basic long-term affordability requirements on projects. Under LIHTC, at least 20% of the units must be reserved for households earning less than 50% of the area median income or at least 40% of the units must be reserved for households earning up to 60% of area median income. LIHTC projects are required to by federal rules to accept applications from households with Section 8 certificates or vouchers, provided the household meets other tenant screening criteria.

Federal Home Loan Bank

Federal law requires each of the twelve District Federal Home Loan Banks to establish an Affordable Housing Program (AHP) under which the District Bank provides low-cost funds to member saving institutions for below-market loans or grants for affordable housing activities. Member banks then provide grants and below market loans to organizations for the purchase, construction, and/or rehabilitation of rental housing. At least 20% of the units must be occupied and affordable to very low income households. Member banks file applications with the FHLB on behalf of community organizations in April and October. The AHP is funded by 10 percent of the Federal Home Loan Bank's net income or \$100 million, whichever is greater.

In addition, the Federal Home Loan Bank offers a loan program called the Community Investment Program (CIP). This provides long term funding at fixed rates to develop rental housing (including acquisition, rehabilitation, and construction) or finance first-time home purchases for families and individuals with incomes up to 115% of the area's median income. Fixed rate loans are available at favorable rates for up to a term of 20 years, and are available continuously.

McKinney Continuum of Care

Since the mid 1990s, HUD's homeless programs have been made available through the Continuum of Care approach – that is a local or state network or system designed to coordinate efforts to address homelessness. The Continuum of Care approach is intended to help communities develop the capacity to envision, organize and plan comprehensive and long-term solutions to addressing the problem of homelessness in their community. This comprehensive approach encourages communities to prioritize gaps in the housing and services available for homeless people and develop long term strategies and action plans to address these gaps using HUD McKinney funds as well as other housing and service resources. There are three HUD McKinney programs (SHP, S+C and S8 Mod Rehab SRO) available through the McKinney Homeless Assistance national competition announced each year in HUD's Notice of Funding Availability (SuperNOFA).

It should be noted that legislation is now pending in the Congress to convert HUD funded homeless programs (SHP, Shelter Plus Care, ESG, Moderate Rehab SRO) into a block grant that would be awarded by formula to eligible cities and states.

The Supportive Housing Program (SHP)

The SHP program provides supportive housing and/or supportive services to homeless persons. The SHP awards grants through a national competition ("SuperNOFA") to government entities and non-profit organizations. SHP funding can be used to create transitional housing (temporary housing and services for up to 24 months); create permanent supportive housing for people with disabilities; or provide supportive services not in conjunction with SHP-funded housing. Eligible activities for use of SHP funds include:

- Acquisition of structures for supportive housing or to provide supportive services;
- Rehabilitation of structures for supportive housing or to provide supportive services;
- New construction of buildings for supportive housing where there is a lack of appropriate units that could be rehabilitated or the new construction costs substantially less than rehabilitation;
- Leasing of structures for supportive housing or to provide supportive services;
- Operating costs of supportive housing;
- Supportive services.

Shelter Plus Care

The Shelter Plus Care program provides rental assistance funding for homeless persons with disabilities, primarily those with mental illness, chronic problems with alcohol and/or drugs, and AIDS or related diseases. Only government agencies and PHAs are eligible to apply through the SuperNOFA national competition. The funds provided for rental assistance must be matched dollar-for-dollar by in kind services to help participants maintain their housing. S+C funds four types of rental assistance:

- Tenant-based rental assistance (TRA) provides grant funding for a five-year contract term. Participants reside in housing of their choice though grant recipients may

require participants to live in a specific area in order to facilitate coordination of supportive services.

- Sponsor-based rental assistance (SRA) provides grant funding for a term of five years through contracts between a grant recipient and a sponsor organization. Sponsors may be a non-profit organization or community mental health agency established as a public non-profit. Participants reside in housing owned or leased by the project sponsor.
- Project-based rental assistance (PRA) provides grants for a term of either five or ten years through contracts between grant recipients and owners of existing structures with units that will be leased to participants. Rental assistance grants are for 10 years only if the owner agrees to complete rehabilitation on the units to be leased within 12 months of the grant agreement.
- Single Room Occupancy Dwellings (SRO) provides grants for rental assistance for a contract term of ten years in connection with moderate rehabilitation of single room occupancy housing units.

Like the SHP program, in the future S+C may be blended into a federal homeless assistance block grant allocated to cities and states.

The Section 8 Moderate Rehabilitation Program for Single Room Occupancy (SRO) Dwellings for Homeless Individuals

The Section 8 SRO program provides public housing authorities and non-profit organizations rental assistance in the development of Single Room Occupancy Dwellings (SROs) for homeless individuals. SRO projects are awarded Section 8 project-based rent subsidies for up to 10 years — a long term commitment which helps the project sponsor obtain other financing necessary to develop the project. SRO projects must select tenants who qualify as homeless under HUD rules. Other Section 8 tenant selection rules also apply to the Section 8 SRO program. Funds are awarded through periodic national competitions. Private non-profits must contract with a PHA to administer the subsidy.

Section 811

The Section 811 Program (formerly the Section 202 program for the elderly and disabled) was authorized as a separate program for people with disabilities in the early 1990s. Section 811 provides capital grants and project rental assistance contracts to non-profit-sponsored housing developments for people with disabilities. Section 811 provides 100% of the development costs that do not have to be repaid if the project remains available to very low-income people with disabilities for 40 years. Funds can be used to acquire, rehabilitate, or construct new housing. Developers can use a variety of structure types, including multifamily housing complexes, condominiums, cooperatives, and group homes. Each HUD region receives an allocation of Section 811 funds annually, which are made available to nonprofit organizations through a national competition announced in a HUD Notice of Funding Availability. Because of limited funding (\$194 million in FY '99), the Section 811 program is extremely competitive.

Projects for Transition from Homelessness (PATH)

This federally funded program is administered by the federal Center for Mental Health Services through grants to state mental health agencies. These state agencies provide PATH funded services to homeless people with mental illness primarily through local or regional mental health service providers. PATH funds can be used for outreach, screening, diagnostic treatment, habilitation, rehabilitation, community mental health services, case management, supportive and supervisory services in residential settings, and other housing-related services.

Rural Housing Programs

The Rural Housing Programs are administered by the US Department of Agriculture and make federal money available in an effort to increase both the amount and the quality of housing in rural areas of the country. Rural areas are places and towns with a population of 50,000 or less.

Section 502 Program

County offices administer section 502 funds. This program finances the purchase, construction or rehabilitation of owner-occupied single-family homes. Eligible houses must be modest in cost, size, and design, and can include mobile homes. Eligible applicants must meet low or very-low income criteria. The 1999 budget from the USDA allocated \$965 million to this program.

Section 504 Program

The Section 504 program provides loans or grants to rural elderly or disabled very low-income homeowners. Grants must be used for emergency repairs to water and sanitary sewer systems, wiring, structural supports, and roofs. Unlike grants, loans may be used for cosmetic repairs. There was \$22 million for the low-income home repair grants in 1999, leaving \$32.4 million to the loan part of the program.

Section 515 Program

Section 515 funds are federal funds available through the Rural Housing and Community Development Services and allocated to states on a formula basis and awarded competitively. The Section 515 program provides low interest loans to finance affordable multifamily housing or congregate housing for families, elders, and people with disabilities who have very low, low or moderate incomes. It can only be used in RHCDS-eligible communities — generally communities with populations of up to 10,000 or in non-urban communities with populations up to 20,000. Section 515 received \$114.3 million was allocated from the USDA (for Section 515) in 1999.

REFERENCE CHARTS

Federal Program Activities At-A-Glance:

Program	ACTIVITY							
	New Construction	Acqui-sitions	Rehabilitat-ion	Rental Assistance	Support Services	Leasing Property	Operating Costs	Home
CDBG	☐	☐	☐		☐		☐	☐
HOME	☐	☐	☐	☐				☐
LIHTC	☐	☐	☐				☐	
FHLB	☐	☐	☐					
Section 515	☐	☐	☐					
Section 502	☐	☐	☐					
ESG			☐		☐		☐	☐
SHP	☐	☐	☐	☐	☐	☐	☐	
SRO				☐				
S+C				☐				
HOPWA	☐	☐	☐	☐	☐	☐	☐	☐
Section 811	☐	☐	☐				☐	

Federal Programs organized in a Housing Continuum:

Emergency Housing Shelter

Short term emergency housing linked with supportive service.

ESG, HOPWA, HOME, CDBG



Transitional Housing

Housing linked with supportive services tailored to assist people in transition from homelessness or institutionalization to independent living. Short-term housing (less than 24 months) and affordable rents.

SHP, HOPWA, HOME, CDBG



Permanent Housing

*Housing linked with supportive services tailored to assist people to live as independently as possible.
This includes permanent housing and affordable rents.*

Section 811, Shelter Plus Care, SHP, HOPWA, Section 8 Certificates & Vouchers,

Public Housing, HOME, CDBG, LIHTC, FHLB



Housing-Related Services

Outreach, prevention, counseling, and referral activities.

HOPWA, PATH, CDBG

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Clearinghouse Results

When you select a program, it's details will be opened in a new window.

Matching Programs

- ☐ **Planning Assistance for Economic Development Districts, Indian Tribes and Redevelopment Areas**
Provides grants to strengthen economic development planning capabilities of cities, tribes, territories, and area-wide planning organizations to assure productive use of available resources in addressing economic problems.
- ☐ **223(f) Mortgage Insurance for Purchase/Refinance**
Mortgage insurance for purchase or refinance of existing multifamily projects.
- ☐ **241(a) Rehabilitation Loans for Multifamily Projects**
Provides mortgage insurance for improvements, repairs, or additions to multi-family projects.
- ☐ **501(c)(3) Preservation Mortgage Program**
The 501(c)(3) mortgage can be used as acquisition financing for projects that employ tax-exempt bonds and tax credits.
- ☐ **Acquisition and Rehabilitation**
A component of the Multi-family Housing Program. Acquisition and rehabilitation of existing affordable rental housing. Priority is given to projects currently subject to regulatory restrictions that may be terminated.
- ☐ **Adtech assistance grants**
Down payment assistance grants for first-time homebuyers
- ☐ **Affordable Housing Clearinghouse**
Provides lines of credit, community development loans, commercial loans. Clearinghouse is a consortium of lenders that pool their funds.
- ☐ **Affordable Housing Financing**
Bank of America offers a large volume of traditional and special loan products, along with affordable housing expertise to make the most impact in communities across the country.
- ☐ **Affordable Housing Partnership Program**
Provides below market rate mortgages to qualified low-income, first-time home buyers who also receive direct financial assistance from their local government, such as downpayment assistance or closing cost assistance.
- ☐ **Affordable Housing Program**
Provides grants or subsidized interest rate loans for purchase, construction and/or rehabilitation of owner-occupied housing by or for very low-, low- and moderate-income households and/or to finance the purchase, construction or rehabilitation of rental housing.
- ☐ **Alt 97 Mortgage**
Alternatives for Borrowers with Limited Cash for Down Payment
- ☐ **BCTC Fund IV and Boston Capital Corporate Fund III**
Program provides equity investment through purchase of federal low-income tax credits for eligible projects. Can also purchase State low-income tax credits.
- ☐ **BankAmerica Foundation**
Support for community development is the greatest priority for grant-making, emphasizing

affordable housing, community economic development and capacity building for organizations working in those fields.

☐ **Bridge Financing Program**

Provides bridge financing for tax credit projects.

☐ **Bridge Loan Program**

Provides a bridge loan to provide flow of funding between project closing and equity pay-ins by tax credit investors. To be used with tax credit projects.

☐ **Builder-Lock (BLOCK) Program**

Builders/Developers may purchase forward commitments for permanent mortgage financing for CHFA eligible borrowers tied to their construction/marketing program at single-family developments.

☐ **CDBG--Economic Development Allocation--Over the Counter Component**

Loans to businesses and grants to cities and counties for infrastructure required to assist business that create or retain jobs for low-income persons.

☐ **CDBG--Planning/Technical Assistance**

Provides grants to be used for planning and feasibility studies.

☐ **CHAP 100% Loan Program**

Provides 100% of the financing needs of eligible first-time homebuyers.

☐ **CHFA Bridge Loan Program**

A 2nd Loan program designed to provide tax-exempt funds necessary to meet the 50% Basis Test required for 4% Tax Credits.

☐ **CRA Lending**

Includes tax credit, AHP and permanent loans for Housing and Community Development.

☐ **Cal-Vet Home Loan Program**

Program provides low downpayment (2%) below market interest rates to qualified active duty personnel and veterans. Financing through bond funding at no cost to the tax payer. 1% loan origination fee paid by buyer or seller.

☐ **CalPERS' Housing Development Program**

CalPERS committed \$75-100 million to each partner to invest in single-family housing. Partners were required to match that investment with 10%. These partners form joint ventures with builders or make loans to builders.

☐ **CalPers Member Home Loan Program**

Offers eligible CalPers members a variety of benefits in purchasing or refinancing a home.

☐ **California Community Reinvestment Corp.**

CCRC provides permanent financing for new construction, acquisition, and rehabilitation through a revolving blind loan pool of \$211 million.

☐ **California Equity Fund**

Non-profit tax credit syndicator working primarily with non-profit developers. Provides equity investment through purchase of tax credits.

☐ **California Self-Help Housing Program**

Provides grants to governmental agencies, non-profits, and cooperatives to provide technical assistance to participants that are building their own residence (self-help housing).

☐ **Carrie Estelle Doheny Foundation**

The foundation was established for the "advancement of education, medicine, religion, science; improvement of health and welfare of infants, children and adults, families and the aged, the help and care of the sick, aged, and incapacitated, and the aid of the needy."

☐ **Community Development Block Grant Entitlements**

Provides formula funds to metropolitan cities and urban counties to support the development of viable urban communities by providing decent housing and a suitable living environment and expanding economic opportunities.

☐ **Community Development Finance Dept.**

Dept. will address the credit needs of low and moderate-income families by providing real estate-related credit products.

- ☐ **Community Development Residential Loan Program**
Program provides \$10 million in below-market rate mortgages targeted to minority and low-income borrowers in low- and moderate-income census tracts. Program allows higher debt limits and low downpayments (95% loan to value).
- ☐ **Community Facilities Loans**
To provide loan and loan guarantees to fund the construction, enlargement, or improvement of community facilities in rural areas, towns and cities up to 50,000 population. Calif. allocation includes setaside for timber-affected counties.
- ☐ **Comprehensive Improvement Assistance Program**
Provides assistance to public housing authorities with fewer than 250 units and to Indian housing agencies to enable them to improve the physical condition and upgrade management and operations of existing public housing.
- ☐ **Congregate Housing Services Program**
Provides grants to public agency or private non-profits to provide meal services and other supportive services to frail elderly and disabled residents in federally assisted housing. Also supports remodeling to meet physical needs.
- ☐ **Continuum of Care for Homeless Persons**
Provides grants/rent assistance to assist the homeless through a combined NOFA for 3 programs: Supportive Housing, Sec. 8 SRO, and Shelter Plus Care. These programs provide services and transitional or permanent housing for homeless persons.
- ☐ **Disaster Relief Program**
To provide assistance to jurisdictions and victims hit by emergencies or disasters, as declared by the President.
- ☐ **Disposition of HUD Multifamily Housing**
To dispose of multifamily housing owned or financed by HUD that is delinquent, under workout or foreclosed with mechanisms designed to preserve the low- and moderate-income housing stock. Priority to non-profits.
- ☐ **Downpayment Loan Program**
A downpayment loan program to assist households in purchasing a home through the California Housing Loan Insurance Fund (CaHLIF).
- ☐ **Economic Development Initiative**
Supports guaranteed loans under Sec. 108 by providing grants for economic development activities to local governments to strengthen the economic feasibility of projects financed with Sec. 108 funds.
- ☐ **Economic Development Technical Assistance Grants**
Provides grants and cooperative agreements for technical assistance projects to create or retain jobs and promote economic growth. Awards are made for local TA projects, university center projects and national TA projects.
- ☐ **Emergency Food and Shelter National Board Program**
EFS meets the needs of the hungry and homeless by providing EFS funds to local public agencies and non-profits to provide emergency food and shelter.
- ☐ **Emergency Housing Assistance Program**
Each county receives a grant allocation. Eligible activities include shelter acquisition and rehabilitation, equipment purchases and program costs.
- ☐ **Empowerment Zones and Enterprise Communities**
Provides block grants, tax incentives and other benefits to promote economic development and empowerment in designated areas characterized by pervasive poverty, unemployment and general distress.
- ☐ **Enterprise Mortgage Investments, Inc.**
Provides reasonably-priced, long-term mortgages, streamlined processing and 90% loan to value to for-profit and non-profit community organizations. EMI underwrites and services loans.
- ☐ **FDIC Affordable Housing Program**
Sell homes and multifamily property to provide homes for very low-, low- and moderate-income

households.

☐ **FHA Single Family Mortgage Insurance**

Program provides mortgage insurance for the purchase of single-family housing, condominium and co-ops to low- and moderate-income families.

☐ **FHLB Affordable Housing Program**

Bank of America Community Development Bank sponsors applications to the Federal Home Loan Bank (FHLB) Affordable Housing Program for grants used in the development of qualified single-family and multi-family projects that serve individuals/families with Section 8 vouchers.

☐ **Fair Housing Initiatives Program**

Provides grants for projects and activities that enforce and enhance Fair Housing Act compliance. Funding includes \$1 million for education and outreach, \$9.3 mil. for private enforcement, \$1.2 million for new or existing fair housing organizations.

☐ **Family Housing Demonstration Program**

An FHDP development has three components consisting of housing, supportive services which may include an on-site child care center; and a job training and development program.

☐ **Family Self-Sufficiency Coordinators**

Provides grants to public and Indian housing authorities to fund Family Self-Sufficiency Program coordinators to enable participating families to achieve economic independence and self-sufficiency at Sec. 8 housing projects.

☐ **Fannie Mae Flexible 97 Program**

Provides low downpayment mortgage to help first-time buyers purchase a home. Downpayment is limited to 3%, can be a gift, grant or unsecured loan, and program allows more flexible qualifying standards than with a traditional home loan.

☐ **Fannie Mae Start-Up Mortgage**

Provides low downpayment mortgage (5% down) and allows interest-only payments for the first year, after which the payment gradually increases by 2% each year until the loan payment is fully amortizing, which takes about 4-8 years.

☐ **Farmworker Housing Grant Program**

To provide housing opportunities for agricultural households.

☐ **Federal Emergency Shelter Grant Program**

Provides grants for rehabilitation and operation of emergency shelters.

☐ **Flexible Subsidy Program**

Provides operating assistance and capital improvement loans to federally- aided financially-troubled multifamily housing projects. Some funding is set- aside for projects under the Low-Income Housing Preservation program.

☐ **Freddie Mac Affordable Gold Program**

Provides mortgages requiring as little as 3% downpayment. Downpayment can come from a variety of sources, including gifts, unsecured loans from family members, grants, low-interest second loan from a nonprofit, government agency or employer-assisted programs.

☐ **Glendale Community Foundation**

Grants for social services, medical centers, the handicapped. Funding for capital items and programming.

☐ **Government-Assisted Project Loans**

Provides funding for refinance/rehab/construction of low- and moderate-income multifamily projects using HUD-insured programs 223(a)(7), 223(f), 221 (d)(4) and 232.

☐ **HELP Program**

To provide affordable housing opportunities through program partnerships with local government entities consistent with locality affordable housing priorities.

☐ **HOPE 3--Homeownership of Single-Family Homes**

Program provides grants to State and local governments and nonprofit organizations to assist low-income, first-time homebuyers in becoming homeowners by utilizing government-owned or financed single-family properties.

☐ **HOPE 6--Revitalization of Severely Distres.Pub.Hsg**

Provides funds for revitalization, demolition and disposition of severely-distressed public housing and for Sec. 8 tenant-based assistance.

☐ **HOPE II--Homeownership for Multifamily Housing**

Provides grants to develop programs allowing mostly low-income families to purchase units in multifamily housing projects owned, financed or insured by HUD or other federal, state or local public agencies.

☐ **HUD Emergency Shelter Grants**

Provides funds for the renovation, major rehabilitation or conversion of buildings to be used as emergency shelters for the homeless, and for certain operating and social service expenses.

☐ **HUD Single-Family Property Disposition Program**

Sells HUD-acquired single-family properties to expand homeownership opportunities, strengthen neighborhoods. Up to 10% of HUD-held single-family properties are made available for lease for use in homeless programs. Rent is \$1 per yr.

☐ **Home Depot Corporate Community Affairs Program**

Primary focus to encourage development and rehabilitation of affordable housing in the communities where we have stores. Home Depot contributes to non-profit organizations that serve at-risk youth through self-sufficiency programs.

☐ **Homeless Providers Grant and Per Diem Program**

Provides grants to non-profit private and public entities to develop programs that help veterans recover from homelessness, including establishing transitional housing and supportive services for homeless veterans.

☐ **House America**

Program provides affordable residential lending for low and moderate income individuals.

☐ **Housing & Community Initiatives**

The Fannie Mae Foundation transforms communities through innovative partnerships and initiatives that revitalize neighborhoods and create homeownership and housing opportunities across America.

☐ **Housing Benefits for Veterans**

Guarantees mortgages to assist veterans of the U.S. armed services to purchase homes. VA guarantees 50% of a home loan up to \$45,000.

☐ **Housing Opportunities for Persons with AIDS(HOPWA)**

Provides local governments and non-profits with grants to devise long-term comprehensive strategies for meeting the housing needs of persons with AIDS and their families.

☐ **Indian Housing Program**

Provides grants to Indian Housing Authorities for development of housing units on Indian reservations.

☐ **Inner City Ventures Fund**

As the lending arm of the Community Partners, the ICFV program provides financing to rehabilitation projects in endangered, low-, moderate- and mixed-income historic neighborhoods.

☐ **James Irvine Foundation Grants**

Provides grants, loans, and loan guarantees in the following categories: the arts; children, youth, and families; workforce development; health; sustainable communities; and higher education.

☐ **John Heinz Neighborhood Development Program**

Provides grants to non-profit community development organizations to leverage funds from local sources to implement neighborhood development projects, including development of new housing and rehabbing existing housing.

☐ **LIHF Mortgage Banking Pools**

Increases access to capital for low-income communities. Provides bridge loans for tax credit purposes.

☐ **Lead-Based Paint Hazard Control Grant Program**

Grants for evaluation and reduction of lead-based paint hazards in privately-owned, pre-1978 affordable housing.

☐ **Lease-Purchase Initiative**

The lease-purchase initiative will allow renters with little or no savings to purchase homes through a lease-purchase agreement. The Authority will purchase homes on behalf of the participating cities and make them available to qualified lease-purchasers.

☐ **Loan Packaging Program**

To increase access to capital for low-income communities with a focus on financing housing at affordable rates and terms.

☐ **Low-Income Housing Preservation--TA/Capacity Build**

Provides grants to enable resident groups and community non-profits to buy HUD-assisted multifamily projects. \$30,000 resident capacity grants and \$200,000 predevelopment grants are available.

☐ **Low-Income Housing Tax Credit Equity**

Equity investment for acquisition and rehabilitation of rental projects.

☐ **Low-Income Housing Tax Credit Equity Program**

In addition to providing equity via tax credit syndication, Enterprise provides first mortgage financing to affordable rental projects.

☐ **Low-Income Housing Tax Credit Investments**

Program provides equity investment through purchase of low-income housing tax credits.

☐ **Low-Income Housing Tax Credit Program**

To encourage low-income housing production and provide lower rents by offering a federal and State income tax credit based on the cost of acquiring, rehabilitating or constructing low-income housing.

☐ **McAuley Institute**

Revolving Loan fund and technical assistance to build or rehab housing.

☐ **Mercy Loan Fund**

Makes loans to projects in which conventional financing is not available or not affordable and promotes innovative and effective financing arrangements.

☐ **Multi-family Low-Income Housing Program**

Program provides tax-exempt bond financing for a variety of projects, such as multi-family and senior housing, representing a direct public benefit to cities.

☐ **Multifamily Affordable Financing Program**

Originates construction/rehab/acquisition/bridge loans to finance qualified multifamily projects and subdivisions that serve individuals earning 80% or less of area median income.

☐ **National Community Development Initiative**

Provides training and financial support to community development corporations to undertake community development and affordable housing projects. Program is not expected to be funded in the future. In California, LISC is the servicing organization.

☐ **National Preservation Loan Fund**

Program makes loans to establish or expand preservation revolving funds and loan pools and to acquire and/or rehabilitate historic buildings, sites & districts.

☐ **Neighborhood Housing Services**

NHS is a 3-way partnership among neighborhood residents, local government and local businesses. NRC provides direct technical assistance, expendable grants and capital grants to NHS, which makes loans for rehab.

☐ **Passport Fund**

Provides grants to HIV/AIDS service organizations to implement AIDS-related programs. To obtain an application, call the number listed above.

☐ **Permanent Loan Program**

Program provides 10 and 15 year fully-amortizing loans.

☐ **Physical Disaster Loans**

To make direct loans available to victims of physical disaster to help them restore their homes and business as nearly possible to pre-disaster conditions.

☐ **Predevelopment Loan Program**

Provides predevelopment loans for projects with five or more units of new construction,

acquisition or acquisition and rehab to non-profit sponsors.

☐ **Predevelopment/Construction Loan Program**

A revolving loan fund making loans at below market rates to finance a multitude of activities related to general housing and community facility projects.

☐ **Preservation Financing Program**

Funds are earmarked for the acquisition or refinancing of projects that would opt out of subsidy contracts.

☐ **Proposition 84 Office of Migrant Services**

Uses general obligation bonds to fund new construction or conversion and rehabilitation of existing facilities to migrant housing.

☐ **Public Works Grants**

Provides grants to assist communities in funding public works and development facilities that contribute to the creation or retention of private sector jobs. Also public facilities to provide immediate jobs in areas in severe distress.

☐ **Revolving Loan Fund**

Provides financing for low-income housing and non-residential facilities at affordable rates and terms.

☐ **Rudy Bruner Award for Urban Excellence**

Bi-annual competition for urban places that demonstrate excellence in the urban environment including revitalization projects, mixed-use developments, preservation projects, and community development strategies and implementation.

☐ **Rural Homeless Housing Assistance**

Provides grants to non-profits in rural areas to provide direct emergency assistance to those in rural areas who are homeless or at risk of becoming homeless. Program is part of the Supportive Housing program.

☐ **Rural Housing Preservation Grants**

Supports the rehabilitation and repair of homeownership and rental units for low- and very low-income families living in rural, substandard housing.

☐ **Rural Predevelopment Loan Program**

Provides predevelopment capital to finance the start of low-income housing projects in rural areas.

☐ **Rural Self-Help Housing Technical Assist. Grants**

Provides grants to sponsoring organizations to provide technical and supervisory assistance which will help low-income households participate in self-help housing construction.

☐ **School Facility Fee Downpayment Assistance Program**

Down payment assistance program for homebuyers of newly constructed single family residences.

☐ **Sec. 202 Supportive Housing for the Elderly**

Provides capital grants and operating subsidies for supportive housing for the elderly.

☐ **Sec. 203(k) Rehabilitation Mortgage Insurance**

Provides mortgage insurance for acquisition and rehab of 1-4 family houses for owner-occupants or investors. Owner-occupants and non-profits pay 3% down-payment; investors' down payment is 4%, plus 15% in escrow until house is sold.

☐ **Sec. 502 Direct Loans**

Provides direct loans to very low- and low-income families in rural areas for the purchase, construction, relocation, repair and rehabilitation of owner-occupied housing.

☐ **Sec. 504 Low-Income Home Repair Program**

Provides loans and grants to very low-income homeowners who cannot afford new homes whose present homes require improvements to meet minimum housing code standards or remove health and safety hazards.

☐ **Sec. 515 Rural Rental Housing Loans**

Makes loans for the creation of rental housing in rural areas for persons of very low, low and moderate incomes.

☐ **Sec. 523/524 Rural Housing Site Loans**

Provides loans to enable public or private nonprofit groups to obtain and develop land for housing

sites in rural areas.

☐ **Sec. 538 Rural Rental Housing Program**

Provides guaranteed loans to lenders and eligible housing providers to generate new and better affordable housing in rural areas. Lenders furnish loan servicing.

☐ **Sec. 811 Supportive Housing for the Disabled**

Provides funding to developers of housing for the disabled, low-income households.

☐ **Sec.8 Housing Assistance Payments**

Certificate program provides rent subsidies to owners of housing units on behalf of very low-income tenants; voucher program provides tenants with a voucher to be used in rental housing of the tenant's choosing.

☐ **Second Mortgage Loans for Equity and Acquisition**

Provides equity and acquisition loans as incentives to maintain low-income affordability for Section 236 or 221(d)(3) projects, which are subject to early prepayment and conversion to market-rate housing.

☐ **Section 108 Loan Guarantee**

Program allows jurisdictions to pledge future CDBG grants as collateral to guarantee private market loans to allow large community development projects, such as acquisition of property, rehabilitation, demolition, etc.

☐ **Self-Help Builder Assistance Program**

The Self-Help Program offers an opportunity to families and individuals with limited down payment resources to obtain homeownership. The borrower's labor represents the downpayment.

☐ **Self-Help Construction Financing**

Originates construction loans to finance qualified self-help projects that serve individuals earning 80% or less of area median.

☐ **Self-Help Housing Program**

Program provides technical assistance to individuals participating in self-help housing.

☐ **Shelter Plus Care Program**

Provides rental assistance that is either tenant-based, project-based, sponsor-based to maximize independence for disabled homeless persons.

☐ **Single Family Homeownership Program**

Program makes single-family homeownership loans requiring as little as 3% down-payment and at below-market interest rates to first-time low- and moderate-income buyers.

☐ **Special Needs Affordable Housing Lending Program**

All Multifamily housing projects that serve at risk tenants in need of special services.

☐ **Tax Credit Syndication Program**

Boston Financial has raised more than \$1.8 billion in leveraged equity for over 1,000 properties with a total cost in excess of \$6.2 billion.

☐ **Tax-Credit Syndication Program**

Provides equity investment through syndication of tax credits in historic low-income housing tax credit projects.

☐ **Tax-Exempt Affordable Mortgage Program**

Provides bond-financed fixed-rate mortgages for 30-40 years to developers of housing that has at least 20% of units occupied and affordable to households making no more than 50% of county median income.

☐ **Taxable Affordable Mortgage Program (Insured)**

Provides taxable bond financed mortgages for rental housing of which 20% is occupied by and affordable to very low-income households. Used with FHA insurance, the program can finance affordable rental housing under tax credits.

☐ **The Do Right Foundation**

Provides funds to reduce violent crime, fight joblessness, increase productivity of legal system, improve quality and costs of welfare, develop "ever-improving generations of children" and improve integrity and efficiencies of government; alleviate homelessness; fire safety and prevention; promotion of ever-improving quality management.

☐ **The Kresge Foundation**

Challenge grants for building construction or renovation projects, purchase of real estate, grants generally to tax-exempt institutions.

☐ **The Rockefeller Foundation**

The foundation offers grants and fellowships in three principal areas, science-based development, arts & humanities, and equal opportunity/school reform.

☐ **Title I Mortgage Insurance**

Provides mortgage insurance for purchase of manufactured homes and lots and for property improvement loans.

☐ **Transition Reserve Program**

Offers a standby funding agreement that supplements a project's cash flow during transition from Section 8 rents to a project underwritten to Tax Credit rents.

☐ **Urban Predevelopment Loan Program**

Provides predevelopment loan for purpose of acquisition of land for lower-income housing.

☐ **Use of Federal Real Property to Assist Homeless**

To lease, permit or donate certain real property (land or buildings) for use to assist the homeless. HUD surveys each federal agency each quarter to determine which properties are excess, surplus, unutilized or underutilized.

☐ **Veterans' Transitional Housing Loan Program**

Provides loans of up to \$4,500 per housing unit at below market rates to non-profits who provide transitional housing to veterans who need supportive housing for a short term.

☐ **Water and Waste Disposal Program**

Program provides water/waste disposal loans and grants, technical assistance and training grants, solid waste management grants.

☐ **World/BRIDGE Initiative**

Provides lower-interest construction financing for affordable or mixed-income rental housing or affordable home ownership through a consortium of World Saving/Calpers/Wells Fargo/Bank of America.

☐ **Youthbuild**

Provides grants for projects employing economically-disadvantaged young adults to build or rehab housing and housing-related facilities. Aim is to provide these disadvantaged young adults with meaningful on-site training in housing construction and rehab.

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DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FINAL BUDGET

Financing Programs Administered by Housing and Community Development
(All funding available beginning July 1, 2000 unless otherwise noted)

- The Multifamily Housing Program The versatile Multifamily Housing Program provides loans for rehabilitation and new construction of affordable multifamily rental housing, the preservation of existing subsidized housing that may otherwise convert to market rents.
2000-01 Funding: \$188 million
- The Jobs-Housing Balance Improvement Program provides: (1) incentive-based strategy grants to local governments to assist them in attracting new businesses and jobs in communities that lack an adequate employment base in relation to the housing they already provide (**\$5 Million**), (2) incentive grants for capital outlay projects to local government to increase the supply of housing and encourage strategic growth (**\$100 Million**), (3) urban predevelopment loans to local governments or private developers for proposed residential projects located within one-half mile of an existing or planned transit station (**\$5 Million**).
2000-01 Funding: \$110 million
Funding Available: January 1, 2001
- The CalHome Program provides funds for homeownership programs to assist low- and very low-income households become or remain homeowners. Funds would be allocated in either grants to programs that assist individuals or loans that assist multiunit homeownership projects.
2000-01 Funding: \$50 million
- The Downtown Rebound Program provides financing to revitalize downtowns and neighborhoods, reduce development pressure of agricultural and open space resources and provide working families with options to live close to their jobs. Funding will be offered through the Multifamily Housing Program, an adaptive reuse component and for planning grants to local governments to promote infill housing development, housing near transit and adaptive reuse.
2000-01 Funding: \$25 million (\$2.5m for Planning Grants)
Funding Available: January 1, 2001
- The Emergency Housing Assistance Program (EHAP) provides grants to counties and nonprofit entities to finance emergency shelters for homeless individuals and families. The funds may be used for rehabilitation, renovation, expansion of existing facilities, site acquisition, equipment purchase, vouchers, and operating costs.
2000-01 Funding: \$39 million (\$14m for Operations/\$25m for Capital Development)

- The Farmworker Housing Grant Program (FWHG) provides grants to local public agencies, nonprofit corporations, and federally-recognized Indian tribes to provide housing for agricultural workers. The grants are used for rehabilitation or new construction of owner-occupied housing, and construction and rehabilitation of rental units.
2000-01 Funding: \$46.5 million (\$35.5m for base program; \$3m for unhealthy and unsafe units; \$3m for manufactured housing; and \$5m for housing with health services demonstration)
- The Office of Migrant Services (OMS) makes grants to local public agencies to maintain and operate 26 seasonal housing centers for migrant farmworkers.
2000-01 Funding: \$7.679m (\$6.789m for continued reconstruction and \$890,000 for playground upgrades at state migrant centers)
- The Mobilehome Park Resident Ownership Program (MPROP) provides loans to mobilehome park resident organizations, local public agencies and nonprofit entities to acquire mobilehome parks and preserve them as affordable housing. MPROP loans help borrower organizations to purchase their parks, and help low-income residents purchase their park spaces or shares in the resident corporation.
2000-01 Funding: \$9 million
- The Predevelopment Loan Program—Rural (PDLP-R) provides short-term loans for the startup costs of low-income housing projects, including site control, engineering studies, architectural plans, application fees, legal services, permits, bonding and site preparation.
2000-01 Funding: \$1 million
- The Housing Preservation Program combines predevelopment loans with a program of technical assistance to assist in the preservation of existing affordable rental projects.
2000-01 Funding: \$2.5 million
- The Self-Help Housing Program (SHHP) provides grants to local public agencies and nonprofit organizations that provide advice and technical assistance to help low- and moderate-income owner-builders build and rehabilitate their homes with their own labor.
2000-01 Funding: \$2.1 million
- The Child Care Facilities Finance Program (CCFFP) guarantees private sector loans to private entities and local public agencies for the purchase, development, construction, expansion, or improvement of licensed child care and development facilities. CCFFP also provides direct loans to purchase, develop, construct, expand or improve a licensed child care facility or child development facility.
2000-01 Funding: \$16 million
- The Homebuyers Downpayment Assistance Program will provide junior mortgage loans to assist low and moderate income Californians achieve the goal of homeownership. The intent is to help turnaround the declining rate of homeownership and address the shortfall of affordable housing throughout the state. The program will be administered by the California Housing Finance Agency, which will allocate funds in accordance with their established authority.
2000-01 Funding: \$50 million

- The Community Development Block Grant Program (CDBG) provides federal grant funds to approximately 180 small cities with populations less than 50,000, and rural counties with populations less than 200,000 that do not automatically receive funding from the U. S. Department of Housing and Urban Development (HUD). CDBG grants can be used for housing rehabilitation, housing-related infrastructure, site acquisition and preparation, economic development, and planning and technical assistance.
2000-01 Funding: \$61.9 million
- The federal Home Investment Partnerships (HOME) Program provides grants to cities, counties and community housing development organizations that do not receive HOME funds directly from HUD. HOME grants are used for housing construction, rehabilitation, rehabilitation and acquisition, and tenant-based rental assistance.
2000-01 Funding: \$45 million
- The Federal Emergency Shelter Grant Program (FESG) provides grants to local public agencies and nonprofit organizations in small communities that do not receive emergency shelter funds directly from HUD, to provide shelter and transitional housing for homeless individuals and families. FESG grants are used for facility conversion, rehabilitation, maintenance, operating costs, rent, and supporting services such as transportation, legal aid, and counseling for the homeless.
2000-01 Funding: \$6.3 million
- The Interregional Partnership State Pilot Project provides grants to interregional consortia of two or more councils of governments or two or more subregions with a multicounty council of governments, to identify, test, and evaluate a variety of policies and incentives to mitigate current and future imbalances of jobs and housing. Grants are to be used for advancing development of implementation plans and models, including geographic mapping and promoting jobs in areas high in housing.
2000-01 Funding: \$5 million
- The Code Enforcement Program provides grants for cities and counties to expand staff for building code enforcement efforts and also provides grants to local jurisdictions for a Community Code Enforcement Pilot Program in up to four jurisdictions, which uses a multi-disciplinary approach to code enforcement.
2000-01 Funding: \$5 million
- The Housing Assistance Program (HAP) provides federal Section 8 rent assistance grants to very low-income households in twelve rural counties that do not have housing authorities. The department contracts with local sponsoring agencies, to which households and individuals apply for rental assistance.
2000-01 Funding: \$3.2 million

Appendix 5.5. Regional Housing Needs Assessment and Inventory of
Sites Analysis.

This appendix includes an extract from the 1999 Draft Regional Housing Needs Assessment distributed by the Southern California Association of Governments in November 1999. The City of Beverly Hills is part of SCAG's "Westside Cities" subregion to which the allocation of existing and future housing need numbers were made. The other cities in the Westside Cities subregion include Culver City, Santa Monica, West Hollywood, and a number of areas of the unincorporated Los Angeles County. As a result of an appeal by the City of Santa Monica, a negotiated reallocation of future housing need figures was achieved and is summarized in the October 16, 2000 letter to SCAG from the subregion. SCAG accepted the proposed reallocation, which was in turn submitted to the California Department of Housing & Community Development. In a December 13, 2000 letter, HCD indicated approval of the reallocation.

This appendix also includes a summary of the lot-by-lot survey of vacant land zoned for residential use, and the remaining theoretical development potential on under-developed multifamily residential sites discussed in Section 2.4. of the Housing Element. The height/density conditions and lot assembly density bonus are shown on the left, and the corresponding net remaining development capacity of the sites with this zoning are shown on the right.

Housing Southern Californians



Draft Regional Housing Needs Assessment

DRAFT

REGIONAL HOUSING NEEDS ASSESSMENT 1999

SOUTHERN CALIFORNIA



ASSOCIATION OF
GOVERNMENTS

Southern California Association of Governments

November 1999

4. Methodologies

On December 31, 1998, the State Department of Housing and Community Development (DHCD) provided preliminary estimates to SCAG of the region's share of the Statewide housing need from January 1, 1998 to July 1, 2005. DHCD's estimate of the region's housing need was based on forecasted employment and population growth as well as various factors affecting the supply of housing, including vacancy and unit loss.

SCAG began to fashion the policies for allocating housing needs by establishing a Regional Housing Needs Advisory Committee composed of elected officials, housing providers and advocates, subregional staff, and academic specialists. SCAG also held over a dozen public forums and technical workshops for local planners and subregional staff to refine the housing need formula for SCAG. Meetings were held on a monthly basis between November 1998 and May 1999.

At the direction of the Community, Economic, and Human Development Committee (CEHD), a methodology was developed to determine the region's total housing need, as well as how to allocate shares to each jurisdiction. This methodology initially resulted in total estimated regional need considerably lower than the level calculated by the State in December. Through discussion and negotiation, the State accepted SCAG's methodology, provided that SCAG increase its household growth estimate by approximately 27,000 households. CEHD approved a method for redistributing this additional growth at its meeting on May 6.

The regional housing needs determination consists of three components.

- 1. Existing Need:** SCAG is required to calculate the amount of existing housing need for each community. Existing housing need is defined by the estimated number of households with one or more Federally-defined "housing problems." These housing problems include (1) overcrowding, (2) unaffordability, and (3) substandard housing.¹ Estimates used are based upon the latest decennial Census, adjusted for household growth through January 1998. Because all existing need calculations were prepared by the U.S. Department of Housing and Urban Development, they can be used to satisfy both state and federal housing planning requirements.

SCAG clearly acknowledges the efforts of jurisdictions in meeting the housing needs of their residents. The Existing Need data does not reflect progress communities have made in alleviating housing problems since the 1990 Census,

¹ Overcrowding is defined as more than 1.01 persons per bedroom. Overpayment is defined as housing costs in excess of 30% of gross household income. Substandard housing is defined as lack of adequate kitchen, toilet, heat, or plumbing facilities.

nor does it capture instances where conditions may have worsened. As such, the Regional Council has made the following clarifying statements:

- 1) Existing Need is a projection of conditions from 1990, and
- 2) Existing Need numbers are intended as a planning aide for jurisdictions in programming, goal setting, and allocation of resources,
- 3) Existing Need number are not intended as construction targets, nor are jurisdictions expected to "solve" Existing Need within the context of the Housing Element.

2. **Construction Need:** State law requires SCAG to address future housing (construction) needs within the region to accommodate forecasted population and employment growth between January 1998 and July 2005. The calculation relies heavily on household growth input provided by jurisdictions, and is adjusted to provide an adequate level of vacancy, and replacement of units lost to demolition, conversion, or disaster. Total construction need was then assigned by four State mandated income groups – very low, low, moderate and upper income households.

RHNA Calculation	
Household Growth	
+	
Vacancy Need	
+	
Replacement Need	
=====	
Construction Need	

The formula for determining a locality's share of the region's housing need is discussed below.

Household Growth: The largest component of the regional housing needs allocation is household growth. The State provides household growth estimates for the region and requires SCAG to distribute growth to each jurisdiction within the SCAG region. SCAG employs a process of extensive local input to complete its forecast. Jurisdictions were requested over a six month period to provide household growth input for the period ending July 1, 2005.

Vacancy Need: The second component, the vacancy adjustment, is built on the concept that vacancies serve an important function in a community's housing market. In brief, a certain number of vacant units are needed in the housing market to promote residential choice, moderate cost of units, and provide sufficient incentive for unit upkeep and repair. SCAG assigns a vacancy need equal to the net difference between the "normal" or "ideal" rate and the current number, plus an additional ideal number proportional to their household growth.

Replacement Need: The third component, the replacement adjustment, is built on the concept that a certain number of housing units are needed to replace those lost due to demolition, conversion to non-residential use, or natural disaster. To calculate the replacement adjustment, SCAG developed a subregional rate based upon past trends in demolition permits for each jurisdiction between 1990 through 1994 as adjusted a state-determined multiplier to account for the conversion of housing units into other non-housing uses.

Fair Share Adjustment: The fair share adjustment is employed to assign future (construction) need to the various income categories in a manner that meets the state mandate to reduce the impact of lower income households in one community versus another community. The method derives future goals for each community by moving the existing income distribution closer toward the regional average. The extent of the adjustment depends on how the jurisdiction's current income distribution differs from the regional average.

SCAG RHNA99

Preliminary Existing Need - All Incomes Housing Problems Detail

TEMECULA

		<30% of Median Income	30-50% of Median Income	50-80% of Median Income	80-95% of Median Income	>95% of Median Income	Total
ALL HOUSEHOLDS	Renters:	407	596	945	530	2,600	5,078
	Owners:	161	248	631	522	7,307	8,869
	Total Households:	569	843	1,576	1,052	9,907	13,947
HOUSEHOLDS W/ ANY HOUSING PROBLEM	Renters:	324	537	666	296	498	2,322
	Owners:	114	174	453	335	2,747	3,824
	Total Households:	438	712	1,119	631	3,246	6,146
HOUSEHOLDS W/ OVERPAYMENT	Renters:	302	537	623	239	335	2,037
	Owners:	98	143	453	335	2,747	3,776
	Total Households:	400	680	1,076	575	3,082	5,813
HOUSEHOLDS W/ OVERCROWDING	Renters:	324	49	126	78	180	758
	Owners:	114	9	52	13	104	292
	Total Households:	438	58	178	91	284	1,049

Westside Cities

BEVERLY HILLS

		<30% of Median Income	30-50% of Median Income	50-80% of Median Income	80-95% of Median Income	>95% of Median Income	Total
ALL HOUSEHOLDS	Renters:	1,114	751	1,101	598	4,646	8,211
	Owners:	377	214	355	140	5,321	6,407
	Total Households:	1,491	965	1,457	738	9,967	14,618
HOUSEHOLDS W/ ANY HOUSING PROBLEM	Renters:	880	703	932	399	1,123	4,037
	Owners:	225	144	205	65	1,389	2,028
	Total Households:	1,104	847	1,138	464	2,512	6,065
HOUSEHOLDS W/ OVERPAYMENT	Renters:	845	703	877	350	988	3,763
	Owners:	225	134	205	65	1,389	2,018
	Total Households:	1,070	837	1,082	415	2,378	5,782
HOUSEHOLDS W/ OVERCROWDING	Renters:	59	30	32	37	264	423
	Owners:	0	4	8	0	97	109
	Total Households:	59	34	39	37	362	531

CULVER CITY

		<30% of Median Income	30-50% of Median Income	50-80% of Median Income	80-95% of Median Income	>95% of Median Income	Total
ALL HOUSEHOLDS	Renters:	1,004	661	1,345	726	3,559	7,296
	Owners:	428	445	977	661	6,600	9,111
	Total Households:	1,433	1,106	2,322	1,387	10,159	16,407
HOUSEHOLDS W/ ANY HOUSING PROBLEM	Renters:	727	608	1,094	441	832	3,702
	Owners:	235	171	354	276	1,658	2,696
	Total Households:	963	780	1,448	718	2,490	6,398
HOUSEHOLDS W/ OVERPAYMENT	Renters:	727	608	982	427	560	3,305
	Owners:	227	162	354	238	1,641	2,623
	Total Households:	954	771	1,336	665	2,201	5,928
HOUSEHOLDS W/ OVERCROWDING	Renters:	92	186	245	123	384	1,029
	Owners:	0	0	58	25	276	358
	Total Households:	92	186	303	148	659	1,388

- NOTES:**
1. SOURCE: DOF98, 1990 CENSUS (special tabulation of Census/CHAS data in coordination with the U.S. Dept. of Housing and Urban Development.
 2. Housing Problems present at 1990 Census, projected for household growth, 1990-98.

Construction Need					Income Distribution				Total Construction Need
Household Growth (1/98-6/05)	Vacancy Need	Replacement Need	Construction Need	Annual Construction Need	Very Low Income	Low Income	Moderate Income	Above Moderate Income	
					Units / Percent	Units / Percent	Units / Percent	Units / Percent	
UNINCORPORATED WRCOG									
44,743	-7,003	309	38,049	5,073	9,512 25%	6,088 16%	6,849 18%	15,601 41%	= 38,049
SUBREGIONAL TOTAL: <i>Western Riverside</i>									
109,366	-11,527	2,142	99,980	13,331	22,331	15,025	20,434	42,190	= 99,980
<i>Westside Cities</i>									
WSCITIES UNINC									
2,148	27	232	2,407	321	382 16%	465 19%	459 19%	1,102 46%	= 2,407
BEVERLY HILLS									
238	-309	300	230	31	43 19%	26 11%	36 16%	125 55%	= 230
CULVER CITY									
351	-96	327	583	78	103 18%	84 14%	120 21%	277 48%	= 583
SANTA MONICA									
1,792	152	923	2,867	382	664 23%	434 15%	563 20%	1,206 42%	= 2,867
WEST HOLLYWOOD									
112	-203	458	367	49	98 27%	65 18%	73 20%	132 36%	= 367
SUBREGIONAL TOTAL: <i>Westside Cities</i>									
4,641	-428	2,241	6,454	861	1,288	1,074	1,250	2,842	= 6,454
SCAG Region Totals:									
516,528	-51,566	40,019	504,758	67,301	114,954	76,775	102,361	210,676	= 504,758

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818 West 7th Street, 12th Floor
Los Angeles, California 90017

Re: Voluntary Agreement to Redistribute Draft RHNA Allocations

Dear Colin and Joe:

The cities of Beverly Hills, Culver City, Santa Monica and West Hollywood and the County of Los Angeles have each executed the enclosed Agreement to Reallocate Draft RHNA Housing Units ("Agreement"). Each of these agencies intends to rely upon the Agreement when planning for future housing construction needs in their respective cities, and the final RHNA allocations should be adjusted accordingly.

The parties to the Agreement have each negotiated the redistributions indicated in the Agreement in good faith and with a commendable spirit of regional cooperation. Thank you for the opportunity to be involved in the process which led to this Agreement.

Very truly yours,

Michael G. Colantuono
Michael G. Colantuono (LBO)

B0785\0001\629822.2

Enclosure

Colin Lennard
Joe Carreras
October 16, 2000
Page 2

cc: Audrey Arlington, City of Beverly Hill (w/attachment)
Allyne Winderman, City of West Hollywood (w/attachment)
Barry Rosenbaum, Esq., City of Santa Monica (w/attachment)
Carol Schwab, Esq., City of Culver City (w/attachment)
Judith Fries, Esq., County of Los Angeles (w/attachment)

Attachment A
Westside Subregion
RHNA Allocation

10/11/2000

	Initial Draft RHNA Allocation	Draft RHNA Allocation following Santa Monica Appeal	Agreed Allocation	Net Change
Beverly Hills				
very low	43	48	35	-13
low	26	29	42	13
moderate	36	40	40	0
above moderate	125	139	139	0
Total	230	256	256	0
Culver City				
very low	103	114	71	-43
low	84	93	136	43
moderate	120	134	134	0
above moderate	277	309	309	0
Total	584	650	650	0
Santa Monica				
very low	664	571	513	-58
low	434	373	335	-38
moderate	563	481	431	-50
above moderate	1,206	1,034	929	-105
Total	2,867	2,459	2,208	-251
West Hollywood				
very low	98	109	75	-34
low	65	73	107	34
moderate	73	81	81	0
above moderate	132	147	147	0
Total	368	410	410	0
Los Angeles County				
very low	382	426	574	148
low	465	517	465	-52
moderate	459	511	561	50
above moderate	1,102	1,228	1,333	105
Total	2,408	2,682	2,933	251
Subregion				
very low	1,290	1,268	1,268	0
low	1,074	1,085	1,085	0
moderate	1,251	1,247	1,247	0
above moderate	2,842	2,857	2,857	0
Total	6,457	6,457	6,457	0

AGREEMENT TO REALLOCATE DRAFT RHNA UNITS

This Agreement indicates each agency's agreement to have its draft RHNA housing unit numbers changed as set forth in Attachment A hereto.

PLEASE CHECK THE APPROPRIATE BLANK before signing and dating this Agreement.

City of Beverly Hills

- ☒ Agrees to the allocations shown on Attachment A hereto.
☐ Does NOT agree to the allocations shown on Attachment A hereto.

By: Mark Scott Date: Oct. 14, 2000
 Name: Mark Scott
 Title: City Manager

City of Culver City

- ☐ Agrees to the allocations shown on Attachment A hereto.
☐ Does NOT agree to the allocations shown on Attachment A hereto.

By: _____ Date: _____, 2000
 Name: _____
 Title: _____

City of Santa Monica

- ☐ Agrees to the allocations shown on Attachment A hereto.
☐ Does NOT agree to the allocations shown on Attachment A hereto.

By: _____ Date: _____, 2000
 Name: _____
 Title: _____

AGREEMENT TO REALLOCATE DRAFT RHNA UNITS

This Agreement indicates each agency's agreement to have its draft RHNA housing unit numbers changed as set forth in Attachment A hereto.

PLEASE CHECK THE APPROPRIATE BLANK before signing and dating this Agreement.

City of Beverly Hills

- ☐ Agrees to the allocations shown on Attachment A hereto.
☐ Does NOT agree to the allocations shown on Attachment A hereto.

By: _____ Date: _____, 2000
Name: _____
Title: _____

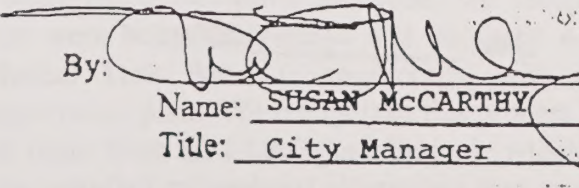
City of Culver City

- ☐ Agrees to the allocations shown on Attachment A hereto.
☐ Does NOT agree to the allocations shown on Attachment A hereto.

By: _____ Date: _____, 2000
Name: _____
Title: _____

City of Santa Monica

- ☒ Agrees to the allocations shown on Attachment A hereto.
☐ Does NOT agree to the allocations shown on Attachment A hereto.

By:  Date: 10/12, 2000
Name: SUSAN MCCARTHY
Title: City Manager

B0785\0001\629830.2

AGREEMENT TO REALLOCATE DRAFT RHNA UNITS

This Agreement indicates each agency's agreement to have its draft RHNA housing unit numbers changed as set forth in Attachment A hereto.

PLEASE CHECK THE APPROPRIATE BLANK before signing and dating this Agreement.

City of Beverly Hills

☐ Agrees to the allocations shown on Attachment A hereto.
☐ Does NOT agree to the allocations shown on Attachment A hereto.

By: _____ Date: _____, 2000
Name: _____
Title: _____

City of Culver City

☒ Agrees to the allocations shown on Attachment A hereto.
☐ Does NOT agree to the allocations shown on Attachment A hereto.

By: Mark Winogrand Date: 10/13, 2000
Name: Mark Winogrand
Title: Chief Administrative Officer

City of Santa Monica

☐ Agrees to the allocations shown on Attachment A hereto.
☐ Does NOT agree to the allocations shown on Attachment A hereto.

By: _____ Date: _____, 2000
Name: _____
Title: _____

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**Division of Housing Policy Development**

1800 Third Street, Suite 430

P. O. Box 952053

Sacramento, CA 94252-2053

<http://housing.hcd.ca.gov>

(916) 323-3176

FAX: (916) 327-2643



DEC 16 2000

December 13, 2000

Honorable Ronald Bates, President
Southern California Association of Governments
818 W. 7th Street, 12th floor
Los Angeles, California 90017

Dear Mayor Bates:

This letter is in response to your November 21, 2000 letter in which you request that the State Department of Housing and Community Development (HCD) make a determination that the revised, Final Regional Housing Need Allocation Plan (Final RHNA) adopted on November 2, 2000 by the Southern California Association of Governments (SCAG) is consistent with the statewide housing need. The Final RHNA allocates a total of 437,984 housing units among SCAG's local jurisdictions. This total represents a substantial reduction of 66,774 units from the allocation by HCD to SCAG as its regional share and the 504,758 unit-allocation subsequently adopted by SCAG in its draft RHNA that was approved by HCD in December of 1999 (Draft RHNA).

For the reasons detailed below, HCD is unable to make the requested determination of consistency with respect to the Final RHNA adopted by SCAG. As explained in my letter of July 28, 2000 to SCAG's Executive Director, Mark Pisano, HCD, in its review of local housing elements, will utilize the allocations to local jurisdictions established in the Draft RHNA to the extent necessary, to ensure that the total housing need for the SCAG region is maintained as required by law.

The process for establishing a Regional Housing Need Allocation Plan is set forth in Government Code Section 65584 (subsequent statutory references will be to the Government Code). The process begins with HCD providing our determination of the region's share of the statewide housing need to the Regional Council of Governments (Section 65584(a)). As you are aware, in the fall of 1998, following reinstatement of the statutory mandate, and prior to making this determination, we consulted with your organization regarding the preliminary population and household projections and the coordination of the RHNA process with SCAG's regional transportation planning.

By letter dated December 31, 1998, we accepted SCAG's preliminary household projections, which were being determined and allocated within the region as part of SCAG's Forecasting Technical Task Force in conjunction with an ongoing process for updating the regional transportation plan. We recognized this process involved extensive and extended opportunity for local input from all SCAG jurisdictions, which culminated in the spring of 1999. The process further entailed subregional allocations that preceded the allocation of each subregion's share of the housing need to individual jurisdictions. On November 24, 1999, HCD received SCAG's Draft RHNA which included allocations for all SCAG local jurisdictions as a result of this process.

Pursuant to Section 65584(a), HCD is to review this submittal and “ensure that this determination is consistent with the statewide housing need.” and “the department may revise the determination of the council of governments if necessary to obtain this consistency.” (Section 65584(a)). In a December 21, 1999 letter, you were informed that HCD had reviewed and approved the Draft RHNA. In the same letter, HCD also acknowledged receipt of the local jurisdiction allocations and approved that as well, stating:

“We are pleased to accept your determination of construction need for the region, which included a new allocation process and accommodated consistency with your regional transportation planning. We note that the Draft Plan appropriately requires that if SCAG revises the construction need allocations (in response to appeals from individual jurisdictions), SCAG must ensure that the total construction need identified in the Draft Plan for the region, including the income distribution of very low and lower income need, is maintained or exceeded.”

The highlighted portion of the December 21, 1999 letter, stating that any adjustments of needs as a result of appeals must maintain or exceed the accepted regional housing need, conforms with the provisions of Section 65584 governing appeals. In particular, subdivision (c)(3) provides, in part, “If the council of governments or the department grant a revised allocation pursuant to paragraph (1), the council of governments or the department shall ensure that the current total housing need is maintained” (emphasis added). As localities are free to adjust their housing needs upward in addition to their share of the regional need, there is little likelihood of an appeal to gain a higher individual allocation. This requirement evidences the Legislature’s awareness that, if all appeals could be addressed by merely granting a reduction of an individual jurisdiction’s allocation, the natural result of the appeals process would be a constant and continuing erosion of acknowledged regional housing needs. Therefore, a reduction in the needs share for one jurisdiction must result in a reallocation of projected housing need to other jurisdictions within the region or subregion. Unfortunately, the SCAG Final RHNA fails to meet this mandate. In discussion with HCD staff, prior to SCAG’s adoption of the Final RHNA, we advised SCAG staff that we could not accept the magnitude of reduction of the region’s RHNA being considered by SCAG.

The Final RHNA submitted for HCD’s determination includes housing need reductions for certain localities within the Gateway Cities, Ventura County and Westside Cities’ subregions that were reallocated to other jurisdictions within their respective subregions. While the totals for the Gateway Cities and Ventura County localities in the Final RHNA do not equal the totals for each subregion in the Draft RHNA, the reallocation processes within each subregion represent a good-faith effort to reallocate each subregion’s original allocation. HCD, therefore, concludes the allocations as set forth in Attachment II hereto for these subregions, when included in the total regional share, are consistent with the statewide housing need.

It further appears however, that SCAG analyzed and acted on information submitted by other appealing jurisdictions individually, without assessing the impact on the rest of the region and subregion relative to the total regional need. While this process might support a revision for a particular locality, it is inconsistent with the regional share where the reduction is not reallocated

or redistributed. The record indicates that as of April 2000, the Committee on Economic and Housing Development (CEHD) had determined that all successful appeals should be redistributed (except for reductions of replacement need); SCAG subsequently changed course and allowed reduction of the total regional need. There is not justification for the resulting overall reduction for the region, as discussed. The regional share was reduced by simply adding up the results of the individual local appeals that were granted and which were not reallocated. This action is not supported by the law, or by the data cited by SCAG in adopting the Final RHNA, as more fully described in Attachment I hereto.

The hearing of appeals through the statutory appeal process is a quasi-judicial act in that the COG is reviewing material and hearing analysis and argument in a particular case and applying the applicable law. In this function, the COG must act consistent with its statutory authority and any decision by the COG that exceeds its authority must be invalid. In this case, SCAG's rulings on appeals from localities are limited by the requirement that SCAG must "ensure that the current total housing need is maintained."

HCD concluded, and continues to believe, that the Draft RHNA Plan is consistent with the statewide housing need and the requirements of Section 65584. HCD cannot approve the Final RHNA as it is not consistent with either the statewide housing need or the regional housing need as submitted by SCAG and approved by HCD on December 21, 1999. Pursuant to its authority under Section 65584(a), in order to achieve consistency with the statewide housing need, HCD is revising SCAG's regional housing need to include the allocations previously approved by HCD in the Draft RHNA, as revised for the jurisdictions listed in Attachment II. The total regional share for the planning period ending in June 2005 will thus be 503,356 units, constituting a minor reduction yet consistent with the statewide housing need.

Jurisdictions that can accommodate more housing units than the HCD-approved allocation are encouraged to do so. We commit to expediting our reviews of draft housing elements for those jurisdictions within your region that incorporate residential development capacity exceeding their HCD-approved RHNA.

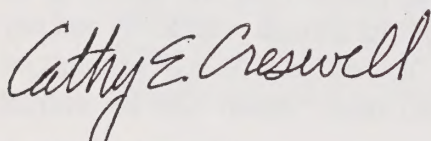
As you are aware, HCD has the responsibility of reviewing local housing elements and determining whether they substantially comply with the requirements of housing element law. The share of regional housing need is a critical component of each local element. We are prepared to review and, where appropriate, approve any housing element of the jurisdictions within the SCAG region that use the allocations previously approved by HCD in the Draft RHNA, except for the jurisdictions listed in Attachment II, which shall be subject to need share set forth therein. In this manner, SCAG jurisdictions may update their housing elements to ensure compliance with the law and to ensure eligibility for those state funding programs that require or reward housing element compliance.

We accept the proposed "RHNA Redistribution Upon Annexation & Incorporation" proposal developed by Orange County. We are pleased that SCAG is planning to actively support efforts to increase the supply of housing as described in the "Regional Housing Development Program"

(Exhibit C). In this regard, we suggest that part of the data monitoring and analysis to be made available include information useful for the local government's annual progress reports on their regional housing need pursuant to Government Code Section 65400, jobs-housing balance data for the region.

We appreciate the extensive effort SCAG and its member jurisdictions have devoted to this process, and look forward to working together to address the State's serious housing needs. If you have any comments or any concerns or questions, feel free to contact me at (916) 323-3176 or you may contact Linda Wheaton, of my staff, at (916) 327-2642.

Sincerely,

A handwritten signature in cursive script that reads "Cathy E. Creswell". The signature is written in dark ink and is positioned above the printed name and title.

Cathy E. Creswell
Acting Deputy Director

Enclosures

cc: SCAG Local Governments

Attachment I

Analysis of RHNA Data and Appeals Issues Posed by SCAG

HCD finds the Final RHNA and rationale presented in Resolution No. 00-413-1, adopting the “Final Regional Housing Needs Assessment for the SCAG Region,” is not consistent with the statewide housing need, following consideration of data and information discussed below.

- 1. The basis for the projected housing need accepted for the region in December 1999, relative to population growth in particular, and supported by strong employment growth, remains valid.** The region’s population growth is generally tracking with the population projections. “New Department of Finance (DOF) data” does not support amending the regional housing construction need from 504,758 to 437,981 units. The fact that the State and region’s housing production has not kept pace with population and employment growth, which exacerbates housing affordability and overcrowding, is well documented.¹ What is reflected in more recent DOF housing and household estimates is low housing production, or lower household formation; a problem that needs to be addressed by measures to increase housing construction, not reinforced by constraining the projected need, or the capacity to accommodate it. The incidence of families doubling up in single housing units, for example, does not justify defacto incorporation of it as a planning parameter. While market demand is among factors appropriately considered relative to distribution of the regional housing need within the region, the need for housing is not reduced by failure to produce it. Distressed housing conditions do not negate the need for new housing supply, particularly in large growing cities.² Residential foreclosures are not equivalent to vacant units.

The adopted RHNA proposes a substantial reduction of the region’s housing need within San Bernardino and Riverside Counties. During the 1990s, Riverside County was among the State’s ten counties with the fastest population growth rates; net migration accounted for approximately 60 percent of Riverside County’s population growth from 1990 – 1999. The City of San Bernardino’s population, for example, grew by an estimated 2,900 from the January 1998 baseline of the regional allocation until January 2000, and several hundred new residential permits were issued.^{3, 4} Both Riverside and San Bernardino counties are projected to experience rapid population growth in the next decade and be among the State’s ten fastest growing counties.⁵

- 2. The region’s employment growth is conducive to housing demand.** While the region was subjected to economic distress during the first half of the 1990’s and recovery lagged in some areas, job levels in 2000 in much of the region, including the Riverside –San Bernardino metro area, are far ahead of pre-recession peaks. Not only has the region’s economic growth been strong in recent years, but strong economic growth is projected for the future. The State’s employment growth has in fact been so strong in the last year, that it has been double the national rate. The Riverside-San Bernardino metro area has led the region’s growth, outpacing the national average since 1990. The Riverside-San

¹ Raising the Roof, California Housing Development Projections 1997 – 2020, Statewide Housing Plan, HCD, May 2000. The Outlook for the California Economy, Center for Continuing Study of the California Economy (CCSCE), Palo Alto, Summer 2000, pgs. 4-2 – 4-8. The Outlook for the California Economy, CCSCE, Palo Alto, Summer 2000, pgs. 6-7. The UCLA Anderson Forecast, For the Nation and California, The Anderson School at UCLA, September 2000 Report, Los Angeles, CA, pgs. 1.5 – 1.7.

² The adopted allocation for the City of San Bernardino was zero.

³ “E-4, Historical City/County Population Estimates 1990 – 2000, State Department of Finance, Demographic Research Unit, May 2000.”

⁴ New residential building permits, “California Construction Review” data files, Construction Industry Research Board, 2000.

⁵ Population growth projected by CCSCE projects 40.5% and 32.8 percent, respectively, California County Projections, 2000 Edition, CCSCE, Palo Alto, CA, pgs. 3-15, 3-22.

Bernardino metro area had a higher rate of employment growth than any of the State's other major metro areas in 1999 and 2000. In fact, Riverside and San Bernardino counties had manufacturing job gains during both the recession period and the second portion of the 1990s.^{6, 7}

3. **The fundamental basis for projecting the region's housing need for 2005 was not 1990 Census data.** DOF's projected population issued in December 1998; and consideration of SCAG's own projected population as of the fall of 1998, are the fundamental basis for projection of household growth. To the extent that housing need projections relied upon 1990 data (e.g., vacancy adjustments, income distribution, etc.), if anything they result in underestimation of need factors, as vacancy rates are generally lower than they were in 1990, and in many areas, there is a higher share of lower income households. Current data in fact, indicates tightening housing markets, reflected in appreciating sales prices, rising rents, and declining affordability.⁸ Average apartment vacancy rates in Riverside and San Bernardino counties declined by approximately fifty percent or more from the fall of 1997 to the fall of September 2000, when they were estimated at below four percent.⁹
4. **There is no rationale for accepting an appeal from a jurisdiction that would be a reduction of their allocation below the number of residential building permits already issued since the January 1998 baseline.** It is our understanding that the building permit activity for each jurisdiction since the baseline, as reported by the Construction Industry Research Board, was made available to localities by SCAG. According to this data,¹⁰ the appealing cities of San Bernardino and Simi Valley, as of September 2000, had already issued more new residential building permits than their adopted allocations for the entire planning period. SCAG's own analysis indicated, that, for example, the Coachella Valley subregion (as a whole) had issued residential building permits equivalent to more than 80 percent of its RHNA allocation within the first 24 months (1998 – 1999) of the allocation period.
5. **The process used to reduce the regional allocation during the extended appeals process ("elaborated appeals criteria") was not based on accepted planning methodology.** Much of the data types cited were developed "after the fact" were not available at the jurisdiction level for all jurisdictions within the region, and were not known to all jurisdictions at the beginning of the appeals period.
6. **The regional housing need allocation is not based or contingent on a projection of building permit activity for the planning period.** The region's population and employment growth for the entire decade, beyond the current June 2005 planning timeframe underscore the importance of advance planning for even greater residential development capacity in the future. Land use planning should accommodate prudent reserves in land supply to moderate price increases. There will be market demand in the not distant future for any residential capacity planned for in the current planning period if market demand does not consume all of it.

⁶ The UCLA Anderson Forecast, The UCLA Anderson Forecasting Project, September 2000, pg. 1.5 – 1.7,

⁷ "The Outlook for the California Economy," Center for Continuing Study of the California Economy, Palo Alto, Summer 2000, pgs. 16-20, 39-43.

⁸ Real Estate and Construction Report, Third Quarter 2000, Real Estate Research Council of Southern California. "Trends in California Real Estate," California Ass'n. of Realtors, September 2000.

⁹ Ibid., pg. 95.

¹⁰ New residential permits, Construction Industry Research Board, though September 2000.

Attachment II

HCD's Final Determination of RHNA for SCAG: January 1998 – June 2005 December 2000

The Final Regional Housing Need Allocation for the SCAG Region for the 1998 – June 2005 planning period is as follows:

1. The housing construction need allocations adopted by SCAG on November 2nd, 2000, which involved redistribution within each of the subregions are accepted for the following jurisdictions:
 - a. Within the Gateway Cities Subregion:

Bellflower	686
Downey	482
Huntington Park	541
Lakewood	866
La Mirada	371
Long Beach	1,463
Norwalk	445
Signal Hill	260
Vernon	0
 - b. Within the Ventura County Subregion:*

Camarillo	1,800
Ojai	209
Port Hueneme	254
Thousand Oaks	4,322
Fillmore	808
Moorpark	1,255
Oxnard	3,298
San Benueventura	1,950
Santa Paula	1,393
Ventura County	1,678
 - c. Within the Westside Cities Subregion:

Beverly Hills	256
Culver City	650
Santa Monica	2,208
West Hollywood	410
Unincorporated portion of Los Angeles County	525
2. Allocations for all remaining jurisdictions (including other portions of unincorporated LA County) not identified above shall be those of the Draft Regional Housing Need Allocation, as submitted by SCAG in late November 1999 and approved by HCD in its December 21, 1999 letter. This includes the income distributions indicated by jurisdiction in that document, except that any jurisdiction's income redistribution appeal already approved by SCAG is accepted, provided that it does not result in a reduction in the subregional allocation.

* Excludes the adopted allocation for Simi Valley, per Attachment I.

Housing Element File

Vacant Lot Survey and Net Remaining Development Capacity(Backup
for Section 2.4)

July 6, 2001

<u>Minimum Site Area</u>	<u>Unit Potential</u>
Condition A 1 lot (1,700 sq.ft.)	153
Condition A 2 lots (1450 sq.ft.)	17
Condition A 3 lots (1200 sq.ft.)	0
Condition B 1 lot (1500 sq.ft.)	128
Condition B 2 lots (1,200 sq.ft.)	31
Condition B 3+ lots (1,000 sq.ft.)	18
Condition C 1 lot (1,300 sq.ft.)	426
Condition C 2 lots (1,100 sq.ft.)	38
Condition C 3 lots (900 sq.ft.)	93
Total Net Remaining Development Capacity	904 Units

Appendix 5.6 Height/Density Districts.

This appendix includes a map of the Height/Density Districts identified in Beverly Hills Municipal Code Sec. 10-3.2801.

CITY OF BEVERLY HILLS

R-4 HEIGHT ORDINANCE

Beverly Hills Planning Department

**Proposed 8/95
Adopted 9/96**

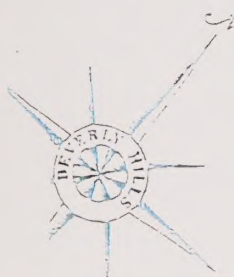
LEGEND

EXISTING USES

-  SINGLE FAMILY ZONES
-  COMMERCIAL OR INDUSTRIAL ZONES
-  PARK, INSTITUTIONAL USES, OR PARKING

MULTIPLE-FAMILY HEIGHT DISTRICTS

-  DISTRICT "A": 3 STORIES/33 FEET
-  DISTRICT "B": 4 STORIES/45 FEET
-  DISTRICT "C": 5 STORIES/55 FEET



SCALE IN FEET

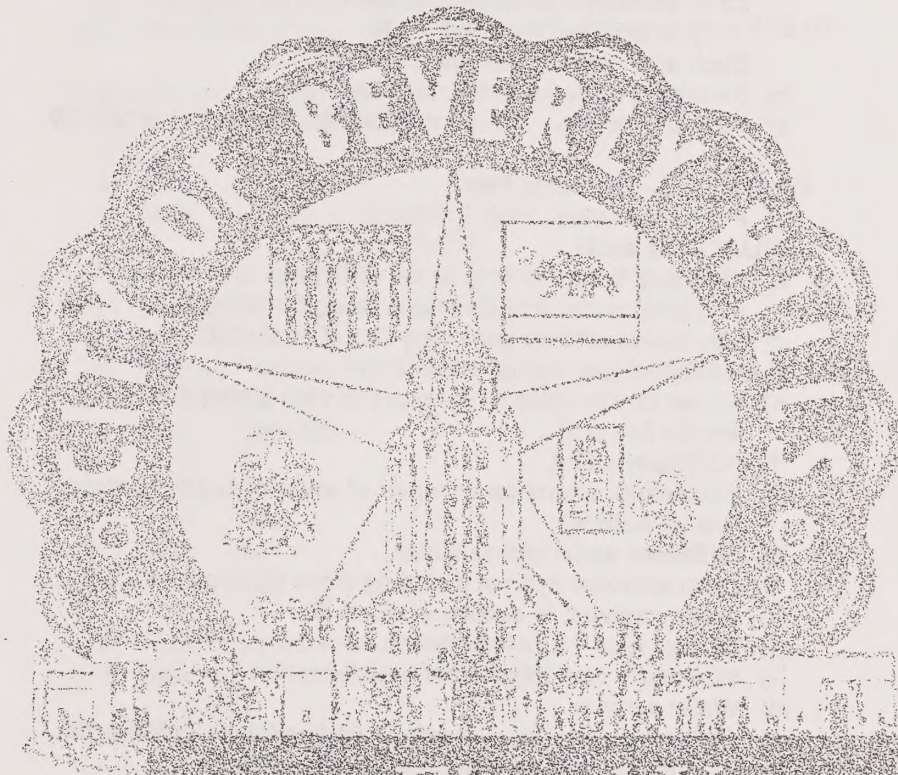
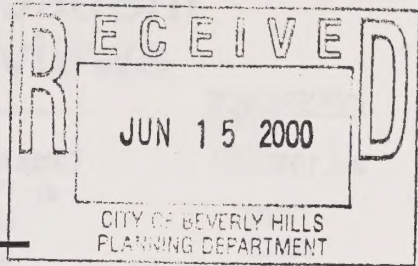


Appendix 5.7. Taxes, Permits and Application Fees for Residential
Development

The fee schedule applicable to residential development projects in Beverly Hills for the fiscal year 2000-2001 is shown on the following pages. These include application fees, plan review fees, construction permit fees, and taxes.

DEPARTMENT OF FINANCE ADMINISTRATION

City of Beverly Hills



Fiscal Year
2000/2001
SCHEDULE OF
TAXES, FEES &
CHARGES

Inspections, Permits & Reviews

REFERENCE	TYPE OF FEE OR CHARGE	2000/01 RATE
9-1.105	Table No. 3A - Building Permit Fees	
	a) Total Valuation:	
	\$0 to \$500	39.90
	Each additional \$100 (over the 1st \$500)	6.40
	up to and including \$1,000	6.40
	Each additional \$1,000 (over the 1st \$1,000)	
	up to and including \$20,000	26.20
	Each additional \$1,000 (over the 1st \$20,000)	
	up to and including \$50,000	15.20
	Each additional \$1,000 (over the 1st \$50,000)	
	up to and including \$100,000	11.20
	Each additional \$1,000 (over the 1st \$100,000)	
	up to and including \$500,000	10.20
	Each additional \$1,000 over \$500,000	8.90
	b) Reinspection fee due to incomplete work	57.10
	c) Plan Check Fee - 1/2 of total permit - Minimum fee \$19.20	
9-1.105	Table No. 3B - Plumbing Fees	
	a) Permit issuance, each	37.40
	PLUS - For each:	
	b) Plumbing fixture or trap or set of fixtures on one trap (including water and drainage piping therefor)	10.20
	c) Gas piping system (including five (5) outlets)	12.40
	d) Additional gas piping outlet	2.40
	e) Repair or alteration of drainage or vent piping (including two (2) fixtures)	10.20
	f) Additional outlet	5.10
	g) Installation, alteration or repair of water piping (including five (5) outlets)	12.40
	h) Additional water piping outlet	2.40
	i) Lawn sprinkler system including three (3) control valves	15.10
	j) Control valves, in excess of three (3)	5.10
	k) Flushometer valve installation	10.20
	l) Wet or dry standpipes (per outlet)	12.40
	m) Water service	12.40
	n) Junior fire sprinkler systems, including fifteen (15) heads (major systems require a building permit)	37.40
	o) Drain inlet, roof or yard	10.20
	p) Building sewer or sewer cap	24.90
	q) Water heater or vent (including electricity)	10.20
	r) Water filter or water softener	10.20
	s) Pressure regulator	7.40
	t) Backflow protection device	12.40
	u) Dental unit	10.20
	v) Drinking fountain	10.20
	w) Floor sink/drain	10.20
	x) Slop sink, bar sink	10.20
	y) Dishwasher	10.20
	z) Kitchen sink, disposal	10.20
	aa) Sump, grease, or sand interceptor	12.40
	ab) Steam boiler, sauna, or coffee machine	12.40
	ac) Laundry tray	10.20
	ad) Washer standpipe	10.20
	ae) Bathtub, Roman tub	10.20

Inspections, Permits & Reviews

REFERENCE	TYPE OF FEE OR CHARGE	2000/01 RATE
	af) Shower pan	10.20
	ag) Lavatory, urinal	10.20
	ah) Water closet, bidet	10.20
	ai) Swimming pool	
	Private	75.70
	Semi-private	100.60
	Pool repiping	37.40
	aj) Earthquake valve	37.40
	ak) Miscellaneous	12.40
	al) Reinspection due to incomplete work	57.10
	am) Plan Check Fee - 1/2 of total permit - Minimum fee \$18.00	
9-1.105	Table No. 3C - Electrical Fees	
	a) Issuance of each permit	37.40
	PLUS	
	b) Item Number	
	Units 1-10 inclusive	12.40
	10 additional	8.90
	c) Residential appliances:	
	0-3 HP, kW, kVA	12.40
	d) Motors, Heaters, Transformers:	
	HP kW	
	<u>Over</u> <u>Inclusive</u>	
	0 3	12.40
	3 5	15.10
	5 20	18.70
	20 50	27.50
	50 100	60.60
	100	90.90
	e) Temporary Service	49.80
	f) Service, Switchboards, or Panels	
	AMPS	
	<u>Over</u> <u>Inclusive</u>	
	0 200	12.30
	200 600	24.90
	600 1,200	44.90
	1,200	68.10
	Over 600V	125.50
	g) Extra inspection trip	37.40
	h) Track lights: Buss ducts, each foot	1.20
	i) Signs (each)	24.90
	j) Miscellaneous pool bonding, tents, temporary lighting	24.90
	k) Reinspection due to incomplete work	57.10
	l) Plan Check Fee - 1/2 of total permit - Minimum fee \$18.00	

Inspections, Permits & Reviews

REFERENCE	TYPE OF FEE OR CHARGE	2000/01 RATE
9-1.105	Table No. 3D - Mechanical Fees:	
	a) Issuance of permit	37.40
	PLUS - For each:	
	b) Installation or relocation of forced air or gravity type furnace or burner, including vent and without regard to BTU value	12.30
	c) Air inlet and air outlet served by any heating, ventilating, or air conditioning system	7.40
	Or for each 1,000 square feet, or fraction thereof, or conditioned area or any heating, or air-conditioning system, including radiant heating, where conventional inlets or outlets are not used	27.60
	d) Repair of, alteration of, or addition to each heating appliance, refrigeration unit, comfort cooling unit, absorption, or evaporative cooling system, including the installation of controls regulated by this Code	12.40
	e) Installation or relocation of air-conditioning compressor to and including fifteen (15) horsepower	20.00
	f) Installation or relocation of air-conditioning compressor over fifteen (15) horsepower to and including fifty (50) horsepower	62.80
	g) Installation or relocation of air-conditioning compressor over fifty (50) horsepower	125.50
	h) Installation or relocation of each tailor shop boiler and press	37.40
	i) Installation or relocation of each boiler or each absorption system to and including 500,000 BTUs	30.00
	j) Installation or relocation of each boiler or each absorption system over 500,000 BTUs to and including 1,750,000 BTU's	62.80
	k) Installation or relocation of each boiler or each absorption system over 1,750,000 BTUs	100.60
	l) Air handling unit to and including 3,000 cubic feet per minute, including ducts attached thereto	12.30
	m) Air handling unit over 3,000 cubic feet per minute	49.80
	n) Air handling device, without blowers, used to change air from high medium pressure to low pressure with or without coils	10.20
	o) Ventilation fan to and including 1,000 cubic feet/min.	10.20
	p) Ventilation fan over 1,000 cubic feet per minute to and including 3,000 cubic feet per minute	15.10
	q) Ventilation fan over 3,000 cubic feet per minute	24.90
	r) Installation of a commercial hood which is served by mechanical exhaust, including the ducts for such hood, to and including twenty (20) square feet (fee does not include vent fan)	30.00
	s) Installation of a commercial hood which is served by mechanical exhaust, including the ducts for such hood, over twenty (20) square feet to and including fifty (50) square feet (fee does not include vent fan)	49.80

Inspections, Permits & Reviews

REFERENCE

TYPE OF FEE OR CHARGE

2000/01
RATE

t)	Installation of a commercial hood which is served by mechanical exhaust, including the ducts for such hood, over fifty (50) square feet (fee does not include vent fan)	75.70
u)	Installation of a domestic range top hood	10.20
v)	Installation of a domestic charbroiler hood	15.10
w)	Installation of an oven vent	7.40
x)	Installation or relocation of an evaporative cooler to and including 4,000 cubic feet per minute	15.10
y)	Installation or relocation of an evaporative cooler over 4,000 cubic feet per minute to and including 8,000 cubic feet per minute	24.90
z)	Installation or relocation of an evaporative cooler over 8,000 cubic feet per minute	37.60
aa)	Installation or relocation of a water tower or evaporative condenser to and including twenty-five (25) tons	30.00
ab)	Installation or relocation of a water tower or evaporative condenser over twenty-five (25) tons to and including one hundred (100) tons	75.70
ac)	Installation or relocation of a water tower or evaporative condenser over one hundred (100) tons	125.50
ad)	Installation of a refrigeration system, including compressor, to and including three (3) horsepower	30.00
ae)	Installation of a refrigeration system, including compressor, over three (3) horsepower	49.80
af)	Alteration or replacement of a refrigeration system	24.90
ag)	Incidental gas	12.40
ah)	Appliance or piece of equipment regulated by this Code but not classed in other appliance categories for which no other fee is listed in this Code	17.60
ai)	Installation of a fire or smoke damper	11.00
aj)	Reinspection due to incomplete work	57.10
ak)	Plan Check Fee - 1/2 of total permit - Minimum fee \$18.00	

9-1.105

Table No. 3E - Grading Fees:

0 to 100 cubic yards	125.50
Each additional 100 cubic yards, or fraction thereof, over the first 100 cubic yards, to and including 1,000 cubic yards	87.60
Each additional 1,000 cubic yards, or fraction thereof, over the first 1,000 cubic yards, to and including 10,000 cubic yards	112.50
Each additional 10,000 cubic yards, or fraction thereof, over the first 10,000 cubic yards, to and including 100,000 cubic yards	299.70
Each additional 100,000 cubic yards, or fraction thereof, over the first 100,000 cubic yards	1,494.50
Plan Check Fee - 1/2 of total permit - Minimum fee \$18.00	

Inspections, Permits & Reviews

<u>REFERENCE</u>	<u>TYPE OF FEE OR CHARGE</u>	<u>2000/01 RATE</u>
9-1.105	Table No. 3F - Sandblasting Fees: For any job:	
	a) lasting not more than three (3) working days	37.40
	b) lasting more than three (3) working days but not more than twelve (12) working days	49.90
	c) lasting more than twelve (12) working days	62.80
9-1.105	Table No. 3G - Solar Energy Fees:	
	a) Issuance of permit	37.40
	PLUS	
	b) Collectors (including related piping and regulating devices), each 1,000 square feet or fraction thereof	12.40
	c) Storage tanks (including regulated piping and regulating devices)	
	Each storage tank	12.40
	Each 1,000 gallons or fraction thereof in excess of 1,000	7.70
	d) For rock storage:	
	Each storage bin	12.40
	Each 1,000 cubic feet or fraction thereof in excess of 1,000 cubic feet of storage	12.40
	e) For each appliance or piece of equipment regulated by this Code for which no fee is listed	10.10
	Plan Check Fee - 1/2 of total permit - Minimum fee \$18.00	
(Temporary Ordinance)	Tree Removal Fees:	
	a) Issuance of permit	37.40
	b) Reinspection due to incomplete work	37.40
	c) Investigation fee: work without a permit (equal to permit fee)	
	City Tree Removal from Public Right of Way:	
	Value of tree as calculated by the Trunk Formula Method	Value
9-1.105	Table No. 3H - OTHER PLAN REVIEW AND INSPECTION FEES	
	Special inspection outside of regular work hours:	
	Per hour (two hour minimum charge)	58.40
	Plan review for which no formal application has been made:	
	Per hour	58.40
	Additional plan review required by changes, additions or revisions to plans (per hour)	58.40
	Investigation fee: work without a permit (equal to permit fee)	
	Energy Plan Review (10% of Building Permit fee)	
	Energy Permit (20% of Building Permit fee)	
	Seismic Hazard Zones geologic report and plan review (5% of Building Permit fee)	
	Seismic Hazard Zones inspection of geologic aspects of project (10% of Building Permit fee)	

Inspections, Permits & Reviews

<u>REFERENCE</u>	<u>TYPE OF FEE OR CHARGE</u>	<u>2000/01 RATE</u>
10-4.308	Signs: Permits No sign permit shall become valid until the applicant has paid to the City Building Official a permit fee as follows: All signs except those indicated below: Per square foot 3.80 Minimum 37.40 Real estate signs: Not over 150 square inches 12.40 Not over 500 square inches 18.90 Not over 12 square feet 24.90 Construction signs: Not over 10 square feet 37.40 Not over 20 square feet 62.80 Over 20 square feet 126.50 Plan Check Fee - 1/2 of total permit - Minimum fee \$18.00 Plan Maintenance Fee (10% of permit fee) : Building Plans: Minimum 18.00 Maximum 270.60 All Other Plans: Minimum 6.00 Maximum 60.60 Reproduction Request 14.90 Concept Review Single Family 126.50 Multi-Family 158.10 Commercial 219.70 Rent Stabilization Hardship Adjustment, petitions for hearings: Filing fee for each unit 40.90 Petition for Capital Expenditure 16.80	
2-2.501	Eviction, notices of: Filing fee for buildings of ten units or less 159.10 Additional fee for each additional unit in excess of ten 16.80	
4-5.511	Request for Change of Contractor 57.40 Plan Reproduction (plus material costs) 13.70 Minor Concept Review 28.40	

Inspections, Permits & Reviews

2000/01
RATE

REFERENCE

TYPE OF FEE OR CHARGE

Engineering, room G10

8-2	Permits:	
	Class "A" - Street use	105.00
	Class "A" - Special events	266.00
	Class "B" - Excavation (Base fee)	223.00
	Plus fee per square foot of trench	1.20
	Class "C" - Utility (Base fee)	111.00
	Plus fee per square foot of trench	1.20
	Class "D" - Heavy hauling (Base fee)	153.00
	Plus fee per cubic yard of heavy trucking	0.60
	Barricades:	
	Construction fence (per ft/mo)	1.00
	(Minimum charge - \$100)	
	Signs:	
	"No Parking"	4.00 *
	(plus any applicable meter fees)*	
8-3.05	City Council - Applications:	
	Permits (requiring City Council approval)	1,847.00
	Resolutions	2,080.00
10-2.402	Maps, Final Subdivision	
	Processing	2,886.00
	An additional \$132 + \$41.85 per unit will be charged for maps representing condominium conversions.	
	Request for extension	921.00
	Engineering Plan Check	
	Plan check minimum	1,355.00
	or 1.6% of construction cost over \$78,250	
	Engineering Project Inspection	
	Inspection minimum	542.00
	or 2.0% of construction cost over \$25,050	
	Concept Reviews	
	Single Family	340.00
	Multi-Family	679.00
	Commercial	2,173.00
10-5.202	Mining and extraction fees:	
	Water development application fee	2,657.00
10-5.308	Exploratory areas:	
	Application for approval of boundary fee	25,157.00

Inspections, Permits & Reviews

REFERENCE	TYPE OF FEE OR CHARGE	2000/01 RATE
10-5.313	Drilling:	
	Relocation permit	5,032.00
10-5.314	Variable Directional	
	Application fee	4,983.00
	Permit fee	4,983.00
	Supplemental fee	4,983.00
	Permit to pass fee	4,983.00
	Development of oil, gas and minerals:	
10-5.315	Application fee	5,032.00
10-5.319	Permit fee	5,037.00
10-5.317	Extension of time application for oil well drilling	1,486.00
8-3	Surface encroachments:	
	Installation of planter boxes on public right-of-ways	227.00
71-R-4269	Subsurface use of City right-of-way (per foot)	7.40
	Penalty fee for each tie-back rod left in place	723.00
	Penalty fee for each supporting structure left in place	2,129.00
7-2.04	Subsurface space use	577.00
71-R-4269	Guarantee deposit for removal of tie-back rods and supporting structur	7,260.00
	Underground Service Alert Notices	21.00
	Street Closures:	
	Full street closure (per hour)	1,592.00
	Partial street closure (per hour)	391.00
	Exemptions: Street closures related to events sponsored by the Beverly Hills Chamber of Commerce or the Beverly Hills Unified School District with the approval of the City Council.	

Fire Department, 445 N. Rexford

State Mandated Fire Inspection Fee	
Non-institutional Building Annual Fee	
(Per Building Inspection)	1,056.30
State Mandated Fire Protection System Inspection	
Periodic inspection, servicing and test certification	
processing (per inspection)	50.80

Inspections, Permits & Reviews

2000/01
RATE

REFERENCE

TYPE OF FEE OR CHARGE

Fire Department Permit and Plan Check Fees:

Table No. 1 - Fire Department Permit and Plan Check Fees for

- (A) Sprinkler Ordinance Plan Check
- (B) Sprinkler Ordinance Inspection
- (C) Special Fire Safety Inspection Fee:
Installation of underground tanks; compressed gas; or ot
- (D) Fire Alarm Inspection
- (F) Fixed Extinguishing Systems Inspection
- (G) Fixed Extinguishing System Plan Check
- (Z) Fire Alarm Plan Check

Total Valuation:

\$ 0 to \$500	17.30
Each additional \$100 (over the 1st \$500) up to and including \$1,000	3.50
Each additional \$1,000 (over the 1st \$1,000) up to and including \$10,000	17.30
Each additional \$1,000 (over the 1st \$10,000) up to and including \$20,000	13.80
Each additional \$1,000 (over the 1st \$20,000) up to and including \$30,000	10.30
Each additional \$1,000 (over the 1st \$30,000) up to and including \$40,000	8.60
Each additional \$1,000 (over the 1st \$40,000) up to and including \$50,000	7.00
Each additional \$1,000 (over the 1st \$50,000) up to and including \$100,000	5.20
Each additional \$1,000 (over the 1st \$100,000) up to and including \$500,000	4.40
Each additional \$1,000 over \$500,000	3.50
Plan Check Fee - 1/2 of total permit - Minimum fee \$18.00	
Permit reinspection - per hour (for inspections required in addition to rough and final)	67.50

97-R-9704

Table No. 2 - Fire Department Permit and Plan Check Fees for

- (E) Fire Safety Plan Review
- (H) New Construction / Remodel Inspection - final

Total Valuation:

\$ 0 to \$500	3.50
Each additional \$100 (over the 1st \$500) up to and including \$1,000	3.50
Each additional \$1,000 (over the 1st \$1,000) up to and including \$20,000	3.50
Each additional \$1,000 (over the 1st \$20,000) up to and including \$50,000	1.70
Each additional \$5,000 (over the 1st \$50,000) up to and including \$100,000	4.40
Each additional \$10,000 over \$100,000	7.00

Inspections, Permits & Reviews

<u>REFERENCE</u>	<u>TYPE OF FEE OR CHARGE</u>	<u>2000/01 RATE</u>
97-R-9704	Plan Check Fee - 1/2 of total permit - Minimum fee \$18.00 Permit reinspection - per hour (for inspections required in addition to rough and final)	67.50
	Penalty Fees for Annual Inspections (per inspection):	
	Notice of Hazard Issued / 1st Reinspection	No Charge
	Notice of Hazard Issued / 2nd Reinspection	53.60
	Final Notice Issued / 3rd Reinspection	104.90
	City Attorney Notice Issued / 4th Reinspection	213.10
	Each subsequent reinspection	212.70
Uniform Fire Code A 80.5	Hazardous Materials Annual Inventory Fee	
	Level Category	
	I 500 - 5,000 Lbs - Solids	92.00
	55 - 550 Gal - Liquids	
	200 - 2,000 Cu Ft - Gases	
	II 5,001 - 25,000 Lbs - Solids	274.90
	551 - 2,750 Gal - Liquids	
	2,001 - 10,000 Cu Ft - Gases	
	III 25,001 & over Lbs - Solids	457.80
	2,751 & over Gal - Liquids	
	10,001 & over Cu Ft - Gases	
	Note: Underground Fuel Tanks are to be charge at Level I amount due to the existing regulations, inspections, fees, and limited hazard.	
	Note: "Acutely" and or "Extremely" hazardous materials in any quantity are required to be inventoried and a minimum of Level I charged, depending upon quantity.	

Planning & Community Development, room G40

	Tentative Maps :	
10-2.203	With other planning application *	634.10
10-2.507	Without other planning application *	3,896.00
10-2.1009	Vesting Tentative Maps	2,705.60
	* NOTE: An additional \$75.00 will be charged for tentative maps representing condominium conversions.	
10-2.803	Boundary Line Adjustments	1,063.90
Cal. Gov. Code	Certificate of Compliance	987.00
10-2.307	Street Name Change	2,489.10
10-3.2804	Variance	3,463.20
10-3.2781	Minor Accommodation or Second Unit Review	
	Commission/Committee Case	2,272.60
	Staff-Level Case	689.40
10-3.2403	Conditional Use Permit *	7,712.00
	* Fee waived for applicants authorized in Resolution no. 95-R-9289	

Inspections, Permits & Reviews

<u>REFERENCE</u>	<u>TYPE OF FEE OR CHARGE</u>	<u>2000/01 RATE</u>
10-3.2905	Zone Change	9,740.10
Cal. Gov. Code	General Plan Amendment: With a Zone Change	1,332.20
	Without a Zone Change	9,740.10
10-6.01	Master Plan of Street Amendment	5,285.60
10-3.2450	R-1 Permit, Central Area	3,246.70
10-3.2650	R-1 Permit, Trousdale Area	3,246.70
10-3.29	Tree Removal Review	216.50
10-3.2550	R-1 Permit, Hillside Area	3,246.70
10-3.2609	Game Court Fence Review	2,240.20
10-3.2746	Game Court Location Review	4,349.50
10-3.405	Contiguous Lot Estate / Accessory Structure Review	3,246.70
	Conformity Review	180.70
	Landscape Plan Review	604.00
	Landscape Site Review	787.80
	R-4 Permit	
	With another application	623.70
	Without another application: Commission-level review	2,235.10
	Staff-level review	678.00
10-3.2570	Development Plan Review	
	Commission-level case	2,597.40
	Staff-level case	1,731.50
	Open air dining case	589.80
	Extended Hours Permit, Residential Commercial Transition Area	216.50
10-3.1841	Planned Development Review	7,483.60
10-3.1524	Density Bonus Permit	949.00

Inspections, Permits & Reviews

<u>REFERENCE</u>	<u>TYPE OF FEE OR CHARGE</u>	<u>2000/01 RATE</u>
10-3.3502	Open Air Dining Plan Review	
	City Council Review	387.50
	Staff Administrative Review	116.90
10-3.3502	Sidewalk Lease Fee (per square foot per month)	0.50
Cal. Code of Regs.	Environmental Review, Review Under Previous Assessment	21.60
92-R-8609	Categorical Exemption	21.60
92-R-8609	Environmental Assessment (Negative Declaration)	1,500.00
92-R-8609	Environmental Impact Report *	1,500.00 *
	* NOTE: The cost of the consultant services will be billed to the applicant, plus 15% of the consultant's fee, for Contract Administration.	
	* NOTE: The Environmental Impact Report fee is waived if Applicant has paid the Environmental Assessment fee.	
	Negative Declaration Recirculation	870.20
10-3.3016	Architectural Review:	
	Commission-level review	541.10
	Staff-level review	219.70
	Conformity review	48.60
	Annexation Costs (Costs to be recovered as a condition of annexation)	
10-3.2730	Joint Daytime / Nighttime Parking	2,898.20
10-3.2734	Parking Covenant Review	2,489.10
10-3.3307	In-Lieu Parking Review	2,597.40
10-3.3310(a)	In-Lieu Parking Fee (per space)*	
	Rodeo Drive Location	27,299.10
	Beverly Drive Location	21,839.30
	Other Locations	16,379.40
	*NOTE: Increase is based on the Engineering News Record Construction Cost Index for Los Angeles Area.	
10-3.3310(b)	In-Lieu Parking Restaurant Expansion Fee*	6,780.10
	*NOTE: Increase is based on the Engineering News Record Construction Cost Index for Los Angeles Area.	

Inspections, Permits & Reviews

<u>REFERENCE</u>	<u>TYPE OF FEE OR CHARGE</u>	<u>2000/01 RATE</u>
92-0-2153	In-Lieu Parking Seismic Upgrade Incentive (per space)* Tier II Tier III	 5,855.10 11,037.60
	*NOTE: Increase is based on the Engineering News Record Construction Cost Index for Los Angeles Area.	
Various	Public Notices Newspaper Mail Public Notices As Required (each)	 387.50 0.80
Various	Satellite Dish Antenna Review (nonconforming)	340.90
Various	Time Extensions With Public Hearing Without Public Hearing	 974.00 703.50
	Planning Decision Amendment (30% of pertinent application charge)	
	Conceptual Review	362.60
		173.10
	Outdoor Vending Permit	173.10
	Posted Notice (per project)	75.70
Various	Traffic Analysis Review (per project)	1,227.20

Public Works, 342 N. Foothill Road

Industrial Discharge:		
Permit application:		
Class 1		202.40
Class 2		253.30
Class 3		345.20
Class 4		382.10
Class 5		571.50
Class 6		764.00
Sewer disposal		
New		222.90
Revised		143.90
On-site disposal		
New		348.40
Revised		209.90
Off-site disposal		
New		330.00
Revised		199.10

Inspections, Permits & Reviews

<u>REFERENCE</u>	<u>TYPE OF FEE OR CHARGE</u>	<u>2000/01 RATE</u>
	Plan Review:	
	New	320 - 1,457
	Revised	250 - 1,122
	Annual Inspection:	
	Class A	114.70
	Class B	231.50
	Class C	345.20
	Class D	460.90
	Class E	692.60
	Class M	1,384.10
	Rainwater diversion	173.10
	Wastewater Sampling	173.10
	Inspection, Closure, Industrial Waste	173.10
	Remedial Investigation:	
	Clean-up plan review	
	Deposit	62.80
	Hourly rate	62.80
	Inspection, after hours (per hour)	101.70
	Inspection, no specific fee established	175.30
	Additional Plan Review (per hour)	62.80
	Street Maintenance Service	
	Parking meter head and post installation	137.40
	Parking meter head removal / installation	109.30
	Sign installation on an existing post or pole	132.00
	Sign and post installation	191.50
	Sign and post removal	83.20
	Sign installation	159.10
	Parking stall marking painting	11.10
	Parking stall marking removal	13.80
	Street light relocation (Wilshire Blvd.)	4,481.50
	Street light relocation (Commercial area)	2,623.40
	Street light relocation (Residential area)	2,022.70

Taxes

REFERENCE	TYPE OF TAX	2000/01 RATE
3-1.201	BUSINESS TAX	
	Classification A - Business Services	
	Base Tax and first 2,080 hours of employee payroll	176.40
	Each additional hour of employee payroll	0.03695
	Classification B - Retail, Wholesale & Manufacturing	
	Minimum	75.00
	Per \$1.00 of gross receipts over \$60,000	0.00125
	Classification C - Professionals	
	Base and first 2,080 hours of professional payroll or billed hours	980.50
	Each additional hour of professional/semiprofessional payroll or billed hours	0.47140
	Each hour of non-professional employee payroll	0.09470
	Classification D - Used Car Sales (not associated with new car dealer)	
	Minimum Tax	255.00
	Each \$1.00 of gross receipts over \$85,000	0.00300
	Classification E - Residential Property Rental	
	Each \$1.00 of gross receipts	0.01200
	Classification F - Commercial Property Rental	
	Each \$1.00 of gross receipts	0.02350
	Classification G - Lenders, Brokers, Real Estate Agents, etc.	
	Each \$1.00 of gross receipts	0.00350
	Classification - Oil Wells	
	Outside City:	
	First 10,000 barrels	1,442.60
	Per each additional barrel	0.10
	Inside City:	
	First 10,000 barrels	2,896.04
	Per each additional barrel	0.28
3-1.602	CONDOMINIUM CONVERSION TAX	
	Per conversion for buildings having two or more dwelling units	5,301.90
3-1.502	DWELLING UNIT TAX	
	Each unit	777.10
	Plus each bedroom	154.70
3-1.702	PARK AND RECREATION CONSTRUCTION TAX	
	Per square foot of floor area	5.30
3-1.303	TRANSIENT OCCUPANCY TAX	
	Up to 30 days room occupancy (% of room rate)	14.00%

5.8. Glossary of Terms.

Acre: 43,560 square feet.

Density: A measure of the relative concentration of dwelling units, generally expressed as dwelling units per acre (DU/AC).

Household: A "household" as used in the Census is simply all the occupants of a single housing unit, regardless of their number or relationship. A "family" or "family household" is one in which two or more persons of the household are related to each other by blood or marriage. A family household may or may not have members who are not related to each other by blood or marriage. A "non family household" is one which consists of a single person, or which consists of two or more members who are not related to each other by blood or marriage.

Income Levels: Income categories are defined with respect to the area median income (County) and are adjusted for household size. The Los Angeles County area median income for 2000 was \$52,100. Although there are exceptions depending on the application, income limits are generally defined as follows:

Very Low Income: Household income is no more than 50 percent of area median income.

Low or Lower Income: Household income is no more than 80 percent of the area median income (i.e., a combination of very low income and those households where income is between 50 percent and 80 percent of area median). Alternately, when a distinction between Very Low and Low Income is necessary, Low Income refers only to household income falling in the range of 50-80 percent of area median.

Moderate or Medium Income: Household income is between 80 and 120 percent of the area median income.

Above Moderate or High Income: Household income is above 120 percent of the area median income.

Median: A value lying at the midpoint of all other values in a group, where half the values are higher and half are lower than the median value.

Mean: The arithmetic average of all the values in a group.

Poverty Income Level: Defined by the federal government based on a definition originated by the Social Security Administration in 1964 and subsequently modified and prescribed as the standard to be used by federal agencies for statistical purposes. The thresholds are updated annually. The income cutoffs used by the Census Bureau to determine poverty status include a set of 48 thresholds arranged in a two-dimensional matrix consisting of family size and cross-classified by presence and number of family members under 18 years old. Unrelated individuals and two-person families were further differentiated by whether the householder was under or over 65 years of age. See p. 36 of text for thresholds.



C101695656

RETURN TO: _____

LOAN PERIOD	1	2	3
Home Use			
	4	5	6

ALL BOOKS MAY BE RECALLED AFTER 7 DAYS.

DUE AS STAMPED BELOW.

~~SENT ON ILL~~

OCT 25 2004

U.C. BERKELEY

 ILS: DD99
 2M 3-02

 UNIVERSITY OF CALIFORNIA, BERKELEY
 Berkeley, California 94720-6000

